



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.8241 of 2016

WEB COPY

S.Sirajudeen

...Petitioner

-vs-

1. The State rep. by its
The Superintendent of Police,
Trichy District
Trichy.

2. The Inspector of Police,
Navalpattu Police Station,
Trichy District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to take appropriate action pursuant to the order passed by the District Registrar, Tiruchirappalli in his proceedings in Na.Ka.No.4258/aa1/2014 dated 17.03.2015 and on the basis of the representation given by the petitioner dated 15.04.2016.

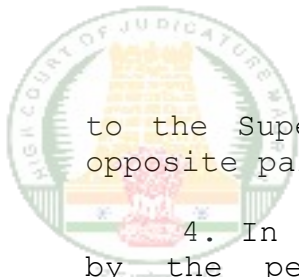
For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.D.Muruganandam,
Addl. Govt. PleaderO R D E R

This writ petition has been filed, seeking a direction to the respondents 1 and 2 to take appropriate action pursuant to the order passed by the District Registrar, Tiruchirappalli in his proceedings in Na.Ka.No.4258/aa1/2014 dated 17.03.2015 and on the basis of the representation given by the petitioner dated 15.04.2016.

2. On the complaint lodged by the petitioner, the respondent police registered a case in Crime No.71 of 2014 under Section 420 IPC. It is the case of the petitioner that his half brothers, who are accused in Crime No.71/2014 had fabricated certain documents in respect of the lands owned by their father and had usurped the same. In this regard, the petitioner filed an application before the District Registrar, Trichy, for appropriate action under Section 83 of the Registration Act. The District Registrar has passed an order dated 17.03.2015, wherein, he has given a finding in favour of the petitioner to the effect that some of the documents have been fabricated. While so, the respondent police proceeded with the investigation in Crime No.71 of 2014 and have filed a closure report as 'Mistake of Fact' on 10.02.2016 before the Judicial Magistrate, No.III, Trichy. Under such circumstances, the petitioner has come up with the aforesaid prayer.

3. It is the grievance of the petitioner that the investigating officer has conducted a perfunctory investigation and has ignored the categorical finding given by the District Registrar in his order dated 17.03.2015, wherein the District Registrar has given a specific direction



to the Superintendent of Police to take a criminal action against the opposite party.

4. In the considered opinion of this Court, a mandamus as prayed for by the petitioner cannot be granted, in view of the fact that investigation has been completed in Crime No.71/2014 and final report closing the case as Mistake of Fact has been filed before the jurisdictional Magistrate. It is open to the petitioner to file a protest application before the Judicial Magistrate, No.III, Trichy and bring it to the notice of the Judicial Magistrate about the order dated 17.03.2015 passed by the District Registrar and in which event, the Judicial Magistrate can also order further investigation as laid down by the Supreme Court in *Vinay Tyagi Vs. State of U.P and Others* reported in *Laws (All)-2010-8-369*.

With the above observation, this petition is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.III,
Trichy.
2. The Superintendent of Police,
Trichy District, Trichy.
3. The Inspector of Police,
Navalpattu Police Station,
Trichy District.

+1cc to M/s.B.Jameel Arasu, Advocate in SR.24561

+1cc to the Special Government Pleader, in SR.24622

W.P. (MD) No.8241 of 2016
27.04.2016

rr.

PBK/SS/SAR-I 11/05/2016 ::2P-6C::