

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.No.25665 of 2013
and M.P.No.1 of 2013

P.K.Venkatesh

Vs

.. Petitioner

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
100, Santhome High Road,
Chennai-28.

2.The District Registrar [Admin],
O/o.The District Registrar,
Erode.

3.The Registrar,
O/o.The Sub Registrar Office,
Chennimalai,
Erode District.

4.Jehannathan
5.Gokilavani
6.C.Gunasekaran
7.A.Gunasekaran
8.Karthick
9.M.Manoharan
10.K.Sathyamoorthy
11.P.Mohanraj

12.Siragiri Farms India Pvt. Ltd.,
Rep. by its Managing Director,
A.Sathish Kumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the 1st respondent to issue appropriate direction to the 2nd respondent to implement the direction for annulling the fraudulent documents as per the complaint given by the petitioner dated 18.06.2012 in accordance with the Circular No.67 by holding the Circular No.67 dated

03.11.2011, C.No.52338/C1/2011 is constitutionally valid.

For Petitioner : Mr.M.Sunilkumar
For Respondents
1 to 3 and 7 to 12: No appearance

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the first respondent to issue an appropriate direction to the second respondent for annulling fraudulent documents mentioned in the petition dated 18.06.2012 in consonance with Circular No.67 dated 03.11.2011 by way of issuing Writ of Mandamus.

2.As per endorsement made by the learned counsel appearing for the petitioner, notice need not be sent to the sixth respondent.

3.The learned counsel appearing for the petitioner has repeatedly contended to the effect that the petitioner is entitled to an agreement of sale with fourth and fifth respondents. Despite of best efforts made by the petitioner, fourth and fifth respondents have refused to execute a sale deed in favour of the petitioner. But, they created so many false documents and under the said circumstances, a petition has been given to the first respondent for giving necessary direction to the second respondent in accordance with Circular No.67. But the first respondent has not issued any specific direction to the second respondent. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

4.The learned counsel appearing for fourth and fifth respondents has also equally contended to the effect that in respect of properties in question, two suits have been filed for getting relief of specific performance and one suit has been decreed, whereas, another suit has been dismissed. Further, one more suit has been instituted for getting the relief of perpetual injunction. Further, the petitioner has given a criminal complaint, where the fourth and fifth respondents have obtained anticipatory bail and further, Circular No.67 has already been withdrawn by the Government of Tamil Nadu and therefore, the relief sought in the Writ Petition cannot be granted.

5.It is an admitted fact that on 18.06.2012, the

petitioner has given a petition to the first respondent for giving necessary direction to the second respondent to take appropriate direction in accordance with Circular No.67 in respect of alleged fraudulent transactions.

6.It is also equally an admitted fact that Circular No.67 dated 03.11.2011 has been subsequently withdrawn by the Government of Tamil Nadu by way of issuing another Circular dated 20.10.2017.

7.The entire relief sought in the Writ Petition is based upon Circular No.67. Since the entire relief is based upon Circular No.67 and the same has already been withdrawn, the relief sought in the Writ Petition cannot be granted.

8.The main gravamen expressed on the side of the petitioner is that after executing sale agreement, fourth and fifth respondents have falsely created so many documents.

9.It is seen from the arguments advanced on the side of the petitioner that in respect of sale agreement executed in favour of the petitioner, Original Suit No.27 of 2007 has been instituted for getting relief of specific performance and the same has also been decreed. The decree passed in O.S.No.27 of 2007 has been put into execution in an Execution Petition and the same is pending.

10.Considering the overall circumstances mentioned supra and also considering the fact that already a Civil Suit has been instituted in O.S.No.27 of 2007, wherein, an executable decree has been passed and the same has been put in to execution in an Execution Petition, this Court is of the considered view that the petitioner can seek his remedy elsewhere and further, there is no interdiction on the part of the petitioner to approach the second respondent independently with regard to alleged fraudulent transactions made by fourth and fifth respondents under Section 83 of the Registration Act, 1908 and therefore, the present Writ Petition deserves to be dismissed.

In fine, this Writ Petition is dismissed without costs. Connected Miscellaneous Petition is closed.

sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

gya

To

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
100, Santhome High Road,
Chennai-28.

2.The District Registrar [Admin],
O/o.The District Registrar,
Erode.

3. Registrar,
Office of sub registrar Office,
Chennimalai, Erode District.

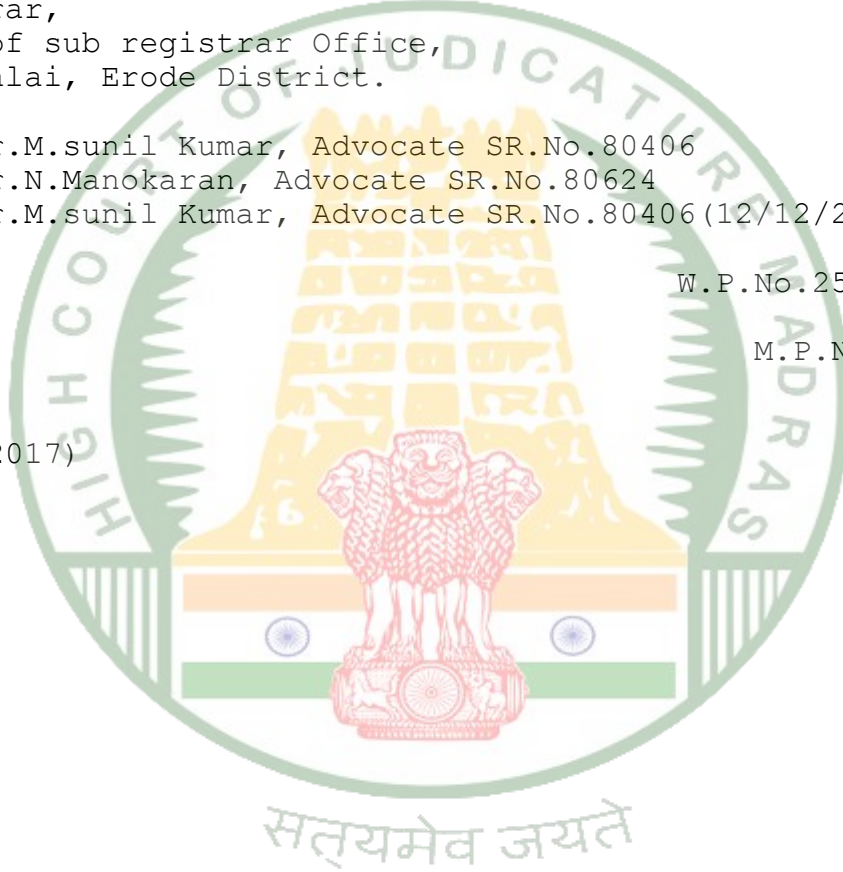
+lcc to Mr.M.sunil Kumar, Advocate SR.No.80406

+lcc to Mr.N.Manokaran, Advocate SR.No.80624

+lcc to Mr.M.sunil Kumar, Advocate SR.No.80406 (12/12/2017)

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and
M.P.No.1 of 2013

GN (29/11/2017)



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