



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

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

W.P. (MD) No.5944 of 2017

R.Ari Sudalaimani

... Petitioner

-vs-

1. The Inspector General of Registration,
O/o.the Inspector General,
Registration Department,
Chennai-28.
2. The District Registrar (Admn)
Tirunelveli District,
Palayankottai,
Tirunelveli.
3. The Sub-Registrar,
Radhapuram,
Tirunelveli District.
4. The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Valliyoore, Tirunelveli District.
5. The Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 4 and 5 to take appropriate action in accordance with law on the complaint dated 25.01.2017 lodged under section 83 of the Registration Act 1908 by the 3rd respondent herein and pass such other further orders that may be deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.P.Subbiah
For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the respondents 4 and 5 to take appropriate action in accordance with



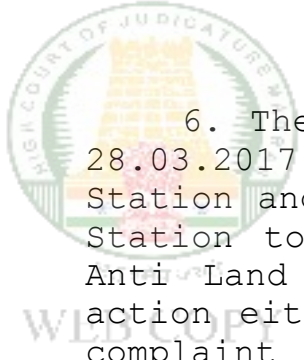
law on the complaint dated 25.01.2017 lodged under section 83 of the Registration Act 1908 by the 3rd respondent herein.

2. It is the case of the petitioner that he had purchased 4.06 acres of lands by way of two sale deeds from one Jesurajan and Arputhamani by Doc.Nos.487 of 2006 and 2441 of 2008. While so, in the year 2015, it came to light of the petitioner that his land has been sold by one Pearl Build Mart Private Limited by Doc.No.3122 of 2008 and on coming to know of this, the petitioner has given a complaint to the Anti Land Grabbing Cell, Tirunelveli District for investigation and the Police have not taken any action. While so, the petitioner moved the District Registrar, Tirunelveli District in terms of Circular No.67 dated 03.11.2011 for annulling Doc.No.3122 of 2008 and for criminal prosecution. The District Registrar, Tirunelveli had passed an order dated 18.01.2017, directing the Sub-Registrar, Radhapuram to initiate prosecution under Sections 82 & 83 of the Registration Act by launching a complaint before the concerned Police Station. Thereafter, the Sub-Registrar, Radhapuram gave a complaint dated 25.01.2017 to the Inspector of Police, Radhapuram Police Station for registering an FIR. At that juncture, the petitioner is before this Court with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. Mr.G.Ezhil Kumar, Special Sub-Inspector of Police, Radhapuram Police Station is present. On instructions, learned Additional Government Pleader submitted that on the complaint given by the Sub-Registrar, the Inspector of Police, Radhapuram Police Station has closed the complaint, on the ground that the petitioner's complaint is being investigated by the Anti Land Grabbing Cell, Tirunelveli for the same cause of action.

4. Learned counsel for the petitioner submitted that the petitioner is made to run from pillar to post without relief and therefore, he cannot be made to suffer further, despite the fact that the District Registrar has directed the Sub-Registrar to give a Police complaint. Yet another reason that has been given by the Inspector of Police, Radhapuram Police Station for closing the complaint given by the Sub-Registrar, during investigation, the Police suspected the involvement of the erstwhile Sub-Registrar of Radhapuram SRO in the registration of Doc.No.3122 of 2008.

5. In opinion of this Court, the reasons given by the Sub-Inspector of Police, Radhapuram Police Station for not investigating the complaint does not cut ice. Therefore, this Court is of the view that the the Sub-Inspector of Police, Radhapuram Police Station, who is mainly responsible for maintaining the law and order issue, cannot be a fit person to conduct the investigation of this nature, where alleged involvement of the erstwhile Sub-Registrar in the offence is suspected.



6. Therefore, this Court sets aside the closure report dated 28.03.2017 of the Sub-Inspector of Police, Radhapuram Police Station and directs the Sub-Inspector of Police, Radhapuram Police Station to transfer the entire file to the Inspector of Police, Anti Land Grabbing Cell, Tirunelveli for conducting appropriate action either on the complaint given by the petitioner or on the complaint given by the Sub-Registrar, SRO, Radhapuram. The Sub-Inspector of Police, Radhapuram Police Station is directed to hand over the file to the Inspector of Police, Anti Land Grabbing Cell, Tirunelveli through the Superintendent of Police, Tirunelveli District within four weeks from the date of receipt of a copy of this order.

Sd/-
ASSISTANT REGISTRAR (RTI)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Inspector General of Registration,
O/o.the Inspector General,
Registration Department,
Chennai-28.
2. The District Registrar (Admn)
Tirunelveli District,
Palayankottai,
Tirunelveli.
3. The Sub-Registrar, Sub Registrar Office,
Radhapuram,
Tirunelveli District.
4. The Superintendent of Police, Tirunelveli District.
5. The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.
6. The Inspector of Police, Anti Land Grabbing Cell, Tirunelveli
7. The Sub Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.

+1 CC TO MR.P.SUUBIAH, ADVOCATE, SR NO.50863
+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.50935
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