

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.Nos.20684 & 20685 of 2018 &

W.M.P.No.24311 of 2018 in

W.P.No.20685 of 2018

1 M.Baggiyaraj
2 M.Lakshaman
3 M.Ramar ... Petitioners in W.P.No.20684/2018

M.Rani ... Petitioner in W.P.No.20685/2018

vs.

1 The Inspector General of Registration
Santhome High Road
Chennai - 600 028

2 The District Registrar (Administration)
Tiruvannamalai

3 The Sub-Registrar
Vettavalam
Tiruvannamalai District

4 The Special Tahsildar
Depressed Class Lands
Collectorate
Tiruvannamalai

5 Annadurai ... Respondents in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents 1 and 3 to forward the Petitioners' representation dated 01.02.2018 to the 2nd respondent in accordance with letter No.41530/ U1/2017 of the 1st respondent for initiating appropriate criminal proceedings against the offenders in connection with registration of Sale Deed in document No.630 of 2005 dated 16.05.2005 with the office of the 3rd respondent.

For Petitioners : Mr.B.Janakiram
For Respondents : Mr.T.M.Pappaiah,
Special Govt. Pleader - for R1 to R3
Mrs.P.Rajalakshmi
Additional Govt. Pleader - for R4

COMMON ORDER

Mr.T.M.Pappaiah, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mrs.P.Rajalakshmi, learned Additional Government Pleader, takes notice for the 4th respondent. By consent, the writ petitions are taken up for disposal.

2. The petitioners have filed the above writ petitions to issue a Writs of Mandamus, directing the respondents 1 and 3 to forward the petitioners' representation dated 01.02.2018, to the 2nd respondent in accordance with letter No.41530/ U1/2017 of the 1st respondent for initiating appropriate criminal proceedings against the offenders in connection with registration of Sale Deed in document No.630 of 2005 dated 16.05.2005 with the office of the 3rd respondent.

3. It is the case of the petitioners that the father of the petitioner in W.P.No.20684 and the husband of the petitioner in W.P.No.20685 of 2018 had sold the property under a registered Sale Deed dated 16.05.2005 showing his son as a eo nominee party.

3. Now, after a lapse of nearly 13 years, the petitioners have approached this Court under Article 226 of the Constitution of India to initiate action against the offenders in connection with the registration of the Sale Deed. Since one of the son of Munusamy is a eo nominee party in Sale Deed dated 16.05.2005, the remedy open to the petitioner to question the genuineness of the Sale Deed dated 16.05.2005 is only before the competence Civil Court. Only when the Sale Deed dated 16.05.2005 is found to be not genuine, the criminal proceedings can be initiated against the offenders.

4. In view of the same, the present prayer sought for by the petitioners cannot be granted. Hence, the writ petitions are devoid of merits and the same are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1 The Inspector General of Registration
Santhome High Road, Chennai - 600 028

2 The District Registrar (Administration)
Thiruvannamalai.

3 The Sub-Registrar
Vettavalam
Tiruvannamalai District

4 The Special Tahsildar
Depressed Class Lands
Collectorate
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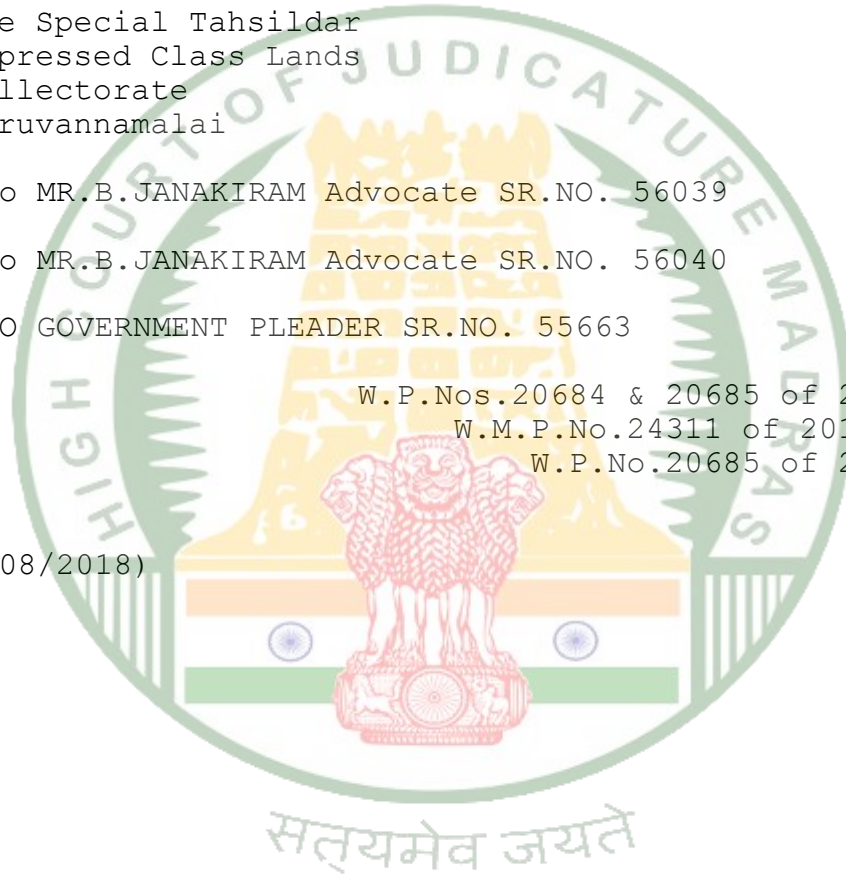
+2 cc to MR.B.JANAKIRAM Advocate SR.NO. 56039

+2 cc to MR.B.JANAKIRAM Advocate SR.NO. 56040

+1 CC TO GOVERNMENT PLEADER SR.NO. 55663

W.P.Nos.20684 & 20685 of 2018 &
W.M.P.No.24311 of 2018 in
W.P.No.20685 of 2018

ASK(28/08/2018)



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