

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18680 of 2009

M/s.Alwarpet Benefit Fund Ltd.,
Rep. by its Commissioner
Mr.Justice A.Raman,
(Retired Judge, High Court, Madras)

... Petitioner /Appointed as Commissioner
by High Court Madras in
W.P.No.14577 of 1999

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.Deputy Superintendent of Police,
Economic Offence Wing-II,
Second Avenue, TNHB Complex,
Second Floor, Anna Nagar,
Chennai 600 040.

3.The Sub Registrar,
Thiruporur, Kancheepuram District.

4.K.SP.V.Shanmugam

5.S.Harshavardhan

6.S.Unnamalai

7.S.Aishwarya

8.S.Balaraman

9.Bhuwaneswari

10.S.Saraladevi

11.S.K.Ramakrishnan

12.A.Radhakrishnan

13.Anver R.P.M.Adam

14.S.Aiswarya

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent 1 and 3 herein from registering and releasing the sale deeds

executed on 27.07.2009 vide document Nos.P225 and P226/ 2009 in the office of the Sub Registrar, Thiruporur by Ms.Aishwarya the 7th Respondent in favour of Mr.A.Radhakrishnan and S.K.Ramakrishnan the respondents 12 and 13 herein and direct the 2nd respondent to investigate thoroughly the Sale Deeds dated 27.07.2007 registered as Document No.7737/2007 at SRO Thiruporur and 27.07.2009 registered as pending Document No.P225 and 226/ 2009 at SRO Thiruporur and take necessary action in accordance with law.

For Petitioner : Mr.R.Bharath Kumar

For Respondents: Mr.T.M.Pappiah for R1 and R3
Special Government Pleader
Mr.R.S.Selvam for R2
Government Advocate
No Appearance for R4 to
R7, R10 and R14
Mr.E.Thangaraj for R8
Mr.P.G.Santhosh Kumar for R9
Mr.Vimal B.Crimson for R11 and R12
Mr.B.Saikrishnan for R13

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 1 and 3 from registering and releasing the sale deeds executed on 27.07.2009 vide document Nos.P225 and P226/ 2009 in the office of the Sub Registrar, Thiruporur by Ms.Aishwarya the seventh Respondent in favour of Mr.A.Radhakrishnan and S.K.Ramakrishnan the respondents 12 and 13 and to direct the second respondent to investigate thoroughly the sale deeds dated 27.07.2007 registered as document No.7737/2007 at SRO Thiruporur and 27.07.2009 registered as pending document Nos.P225 and 226/ 2009 at SRO Thiruporur and to take necessary action in accordance with law.

2.Heard the arguments advanced on either side.

3.The learned counsel appearing for the petitioner would submit that though the registering Authority not registered the document, in respect of similar issue, criminal case is pending before the learned Judicial Magistrate No.1, Chengalpattu in C.C.No.7 of 2015 (Crime No.13 of 2010 under Sections 120 (b), 465, 468, 471, 474 of IPC) and till the disposal of the criminal case, this Court may direct the registering Authority not to release the document.

4.The learned Special Government Pleader pointing out to the status report filed on behalf of the second respondent would

submit that for the very same issue a case in EOW - Hqrs Cr.No.993 of 1999 for the offence under Sections 406, 409, 420, 506(ii) r/w 120 (b) of IPC is pending before the Economic Offences Wing II, Guindy, Chennai and till the disposal of the same, the document will not be released.

5.In view of the above, the prayer sought for in the writ petition has become infructuous. This writ petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.Deputy Superintendent of Police,
Economic Offence Wing-II,
Second Avenue, TNHB Complex,
Second Floor, Anna Nagar,
Chennai 600 040.
- 3.The Sub Registrar,
Thiruporur, Kancheepuram District.
- 4.The Commissioner
Mr.Justice A.Raman,
(Retired Judge, High Court, Madras)
M/s.Alwarpet Benefit Fund Ltd.,
75, C.P.Ramasamy Road,
Alwarpet, Chennai-18.

+1cc to M/s.Vimal B.Crimson, Advocate Sr.92410
+1cc to Mr.R.Bharathkumar, Advocate Sr.92268

W.P.No.18680 of 2009

srg 20/11/2019