

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3331 of 2019

and

WMP.No.3605 of 2019

1. N.Nachimuthu Gounder
2. A.Kuppusamy Gounder
3. K.Manikandan ...Petitioners

Vs.

- 1.The District Registrar (Admin)
Tiruppur District, Tiruppur.
- 2.The Sub-Registrar
Kaniyur Sub-Registrar's Office
Kaniyur
Tiruppur District.
- 3.The Inspector of Police
Komaralingam Police Station
Udumalaipet Taluk
Tiruppur District.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents not to initiate criminal proceedings against the petitioners based on the order in N.K.No.6875/B5/2018 dated 23.11.2018 on the file of the 1st respondent, by considering the petitioner's representation dated 08.01.2019.

For Petitioners: Mr.R.Neelakandan
For Respondents: Mr.P.P.Purushothaman
Government Advocae for R1 & R2
Mr.E.Balamurugan
Special Government Pleader for R3

O R D E R

The petitioners seek for a mandamus directing the respondents not to initiate criminal proceedings against them, based on an order passed by the first respondent dated

23.11.2018, by considering their representation dated 08.01.2019.

2. The case of the petitioners is as follows:

The first petitioner is the absolute owner of the property situated at Survey No.205/3 in Sankararama Nallur South Village, Madathukulam Taluk, Tiruppur District. While applying for Encumbrance Certificate in respect of the said property, the first petitioner came to know that a settlement deed dated 05.12.2012 has been executed by the second petitioner in favour of the third petitioner, registered as Doc.No.4040/2012 on the file of the SRO, Kaniyur in respect of a portion of the said property. Therefore, the first petitioner made a representation on 22.10.2018 to the first respondent seeking to cancel the above said settlement deed and to take necessary action. After enquiry, the first respondent passed the order on 23.11.2018 to initiate criminal proceedings in this regard. After realizing the mistake, the second and third petitioners jointly cancelled the above said settlement deed dated 05.12.2012 by way of a Deed of Cancellation of Settlement dated 04.01.2019, registered as Document No.45/2019 on the file of SRO, Kaniyur. In view of the above said cancellation of settlement, the issue has been resolved amicably. Hence, there is no necessity to initiate criminal proceedings. Therefore, the present writ petition is filed with the relief as stated supra.

3. The learned Government Advocate for the respondents 1 & 2, based on instructions, submitted that it is true that the second and third petitioners cancelled the settlement deed dated 05.12.2012 by way of Deed of Cancellation of Settlement dated 04.01.2019, registered as Document No.45/2019 on the file of SRO, Kaniyur. He further submitted that the first respondent will consider the representation of the petitioners and accordingly, issue necessary communication to the third respondent for withdrawing the complaint.

4. By recording the above said submission made by the learned Government Advocate for the respondents 1 & 2, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The District Registrar (Admin)
Tiruppur District, Tiruppur.

2.The Sub-Registrar
Kaniyur Sub-Registrar's Office
Kaniyur
Tiruppur District.

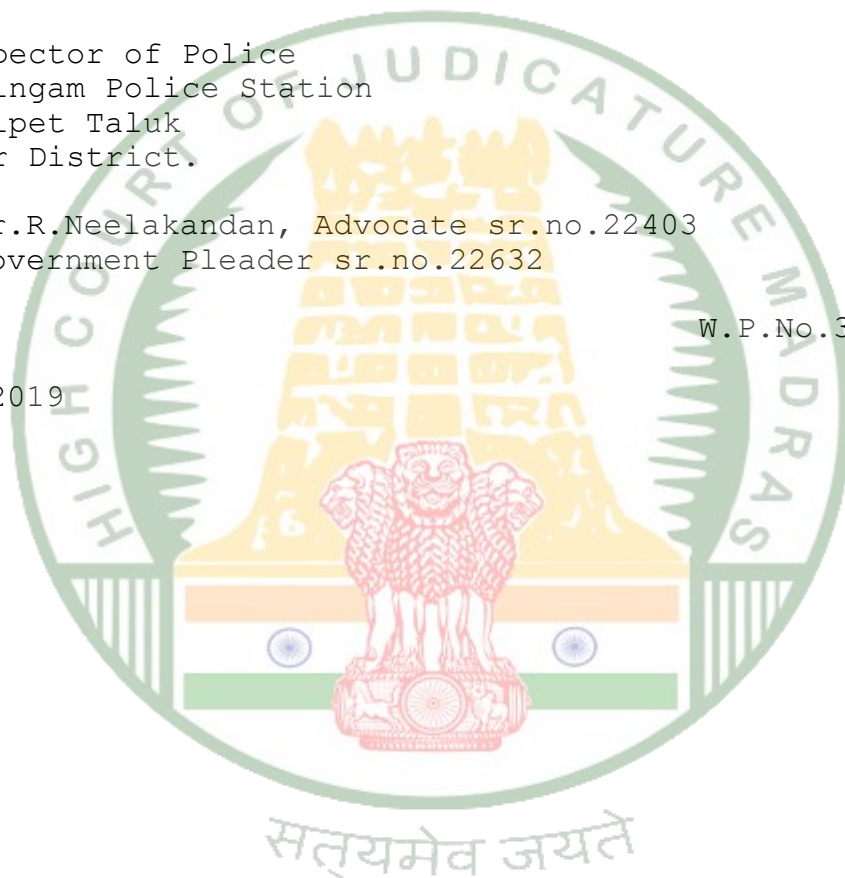
3.The Inspector of Police
Komaralingam Police Station
Udumalaipet Taluk
Tiruppur District.

+lcc to Mr.R.Neelakandan, Advocate sr.no.22403

+lcc to Government Pleader sr.no.22632

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