



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.10.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.25077 of 2019

Chandrakumar,
S/o.Ramasamy,
Madhampatti Village,
Thandukaranahalli Post,
Palakodu Taluk,
Dharmapuri District.

... Petitioner

/versus/

1. The District Collector
Dharmapuri District.
2. The District Registrar,
Department of Registration,
Dharmapuri.
3. The Sub Registrar,
Marandahalli,
Palakodu Taluk,
Dharmapuri Taluk.
4. Rajarathinam,
S/o.Muthusamy,
Madhampatti Village,
Thandukaranahalli Post,
Palakodu Taluk,
Dharmapur Taluk.
5. Dhanduyudhapani,
S/o.Rajagopal,
Door No.51, Aghara Street,
Palakodu Town & Post,
Dharmapuri District.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the third respondent to complete the proceedings under Section 83 of the Registration Act, 1908 as per the order passed by the 2nd respondent in Na.Ka.No.4498/Aa3/2018, dated 03.04.2018.

For Petitioner : Mr.R.Arundattan
For R1 : Mr.N.Inbanathan,
Additional Government Pleader
For R2 & R3 : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The petitioner herein, by virtue of decree passed in the partition suit in O.S.No.114 of 2004 on the file of District Munsif Court, Palakodu, Dharmapurai District, has got 5/12th portion of share along with his mother and brother in respect of ancestral property situated in Thandukaranhalli Village, Palakodu Taluk. Alleging that the 4th respondent/Rajarathinam, has alienated some of the properties, which is the subject matter of the partition suit, in favour of the 5th respondent/Dhanduyudhapani, using forged documents, given a representation to the 2nd respondent/District Registrar, Dharmapuri, to cancel the sale deed. The said sale deed dated 07.04.2017 is registered as Document No.670 of 2017. Though, the Village Administrative Officer as well as the Sub-Inspector of Police have submitted the report that, the documents relied by the 4th respondent to alienate the property in favour of the 5th respondent through sale deed dated 07.04.2017 are not genuine, no action has been taken against them by the 2nd respondent, as per Section 83 of the Registration Act. Hence, the present Writ Petition is filed seeking mandamus to direct the 3rd respondent to complete the proceedings and act upon the complaint.

3. In the counter, the 3rd respondent/Sub Registrar, Marandahalli, has submitted that on receipt of the representation given by the petitioner to cancel the sale deed registered as document No.670 of 2017, the District Registrar, Dharmapuri, conducted enquiry and from the reports of Village Administrative Office and Sub-Inspector of Police, it is found that the documents perpetrated to have been given by the Village Administrative Office and Sub-Inspector of Police, Harur, were not issued by them. Thereafter, the District Registrar, has directed him to take action under Section 83 of the Registration Act. Accordingly, the opinion of Government Pleader was obtained and based on the opinion, compliant has been filed before Sub-Inspector of Police, Marandahalli. Reminder has also

been sent to Sub-Inspector of Police, Marandahalli, vide letter dated 06.09.2019.

4. The Learned Additional Government Pleader appearing for the respondents would submit that in view of the action taken, nothing survives in the Writ Petition.

5. No doubt, on the representation given by the petitioner, the 2nd respondent has acted upon and has collected material which prima facie indicates that, the document relied by the 4th respondent to register the sale deed as document No.670 of 2017 at Sub Registrar Office, Marandahalli, dated 07.04.2017 are forged documents and the complaint has also been forwarded to Sub Inspector of Police, Marandahalli. But even after filing the Writ Petition, it appears that no substantive action been taken either by the 3rd respondent or by the Sub Inspector of Police, except reminder by the 3rd respondent, dated 06.09.2019, which is subsequent to filing of the Writ Petition.

6. Therefore, the 3rd respondent is hereby directed to follow up with the Sub Inspector of Police, in regard to his complaint and Sub-Inspector of Police, Marandahalli, is directed to complete the investigation within a period of 60 days, from the date of receipt of a copy of this order and file final report before the concerned Judicial Magistrate.

7. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bsm

To,

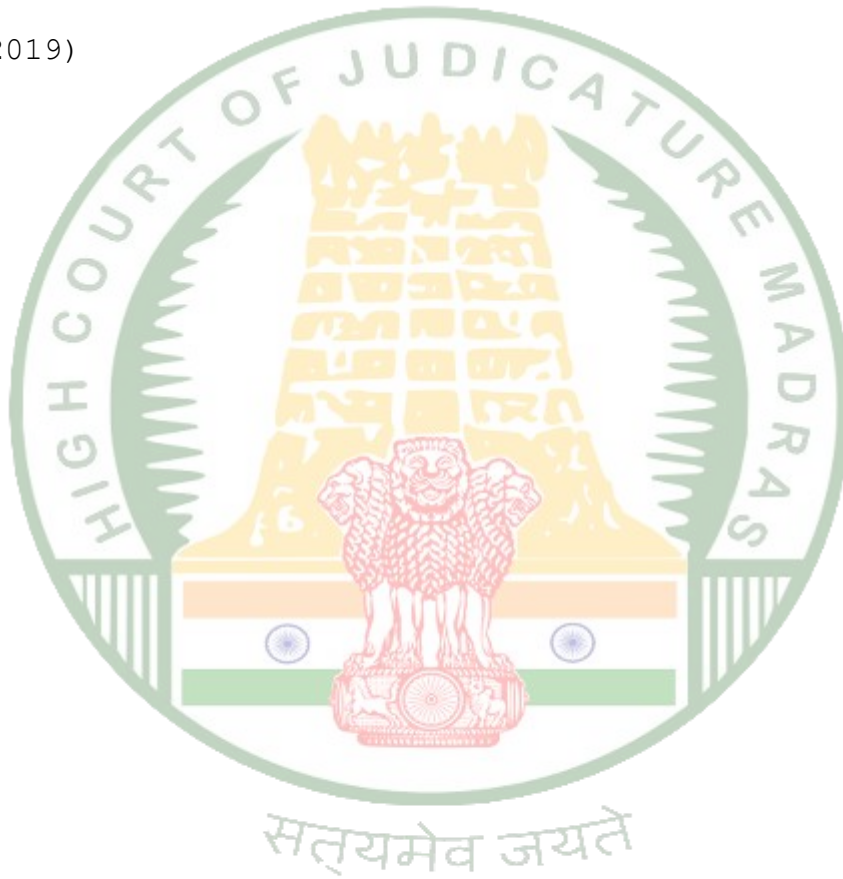
1. The District Collector,
Dharmapuri District.
2. The District Registrar,
Department of Registration, Dharmapuri.
3. The Sub Registrar, Marandahalli,
Palakodu Taluk,
Dharmapuri Taluk.

4.The Sub Inspector of Police,
Marandahalli,
Palakodu Taluk,
Dharmapuri District.

+1cc to Mr.R.Arundattan, Advocate, S.R.No. 86731
+2cc to the Government Pleader, S.R.No. 86906, 86899

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SV(CO)
GN(08/11/2019)



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