

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.07.2020

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.9976 & 9994 of 2020
and
W.M.P.No.12123 and 12149 of 2020

V.Carmel Mary ...Petitioner in W.P.No.9976 of 2020

A.Maria Arokiyanathan,
S/o.A.Arul Maria Joseph,
No.23, 5A-1 First Street,
K.R.G Nagar, Ganapathy,
Coimbatore - 641 006. ...Petitioner in W.P.No.9994 of
2020

Vs

- 1.The Inspector General of Registration,
Registrar office,
100, Santhome Road,
Mylapore, Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Registrar office,
6/1, GRD Road,
Oppostie to Air force Admin College,
Red Fields, Coimbatore - 641 018.

3.The Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore.

4.Selvakumar
Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore.

5.The District Collector,
Coimbatore District,
Collector's Office,
Coimbatore - 641 018.

6.The District Revenue Officer,
Coimbatore District,
Collector's Office,
Coimbatore - 641 018.

7.The Commissioner of Police,
Coimbatore.

8.The Inspector of Police,
Crime Branch,
Singanallur Police Station,
Coimbatore.

9.J.Caroline

10.Michel Raj

11.J.Kevin Antony ...Respondents in W.P.No.9976 of
2020

1.The Inspector General of Registration,
Registrar Office,
100, Santhome Road,
Mylapore,
Chennai - 600 028.

2.The Deputy Inspector of Registration,
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Crime Branch,
Singanallur Police Station,
Coimbatore.

9.J.Caroline
W/o.Michel Raj,
Mirabella Ministry.
Old No.17/17B, New No.141,
Nanjundapuram Road,
Sripathi Nagar, Ramanathapuram Village,
Coimbatore Corporation Ltd.

10.Michel Raj,
Mirabella Ministry
Old No.17/17B, New No.141,
Nanjundapuram Road,
Sripathi Nagar, Ramanathapuram Village,
Coimbatore Corporation Ltd.

11.J.Kevin Antony,
S/o.Michel Raj,
Mirabella Ministry
Old No.17/17B, New No.141,
Nanjundapuram Road,
Sripathi Nagar, Ramanathapuram Village,
Coimbatore Corporation Ltd.

...Respondents in W.P.No.9994 of 2020

Prayer in both Wps: Writ Petitions filed under Article 226 of
Constitution of India, praying to issue a writ of mandamus
directing the 1st and 2nd respondents to immediately take action
under Section 83 of the Registration Act against the 9th
respOndent on the basis of the complaint dated 23.06.2020.

In W.P.No.9976 of 2020

For petitioner : Mr.S.Venkatesh

For respondents : Mr.T.M.Pappiah

Special Government Pleader
for R1 to R4

Mr.E.Balamurugan

Special Government Pleader
for R5 to R8

In W.P.No.9994 of 2020

For petitioner : Mr.S.Venkatesh

For respondents : Mr.T.M.Pappiah

Special Government Pleader
for R1 to R4

Mr.E.Balamurugan

Special Government Pleader

for R5 to R8

ORDER

These writ petitions have been filed for a direction to the respondents to take action based on the complaint given by the petitioner, under Section 83 of the Registration Act.

2. The case of the petitioners is that they are innocent purchasers who believed the words of the 9th respondent and purchased the property and later found that the 9th respondent had induced all the innocent purchasers by giving false promises and misappropriated several crores of rupees. When it was questioned by the petitioner, it is stated that respondents 9 to 11 threatened and manhandled all the innocent purchasers. A Police Complaint has also been given in this regard and the same is pending investigation.

3. The petitioners have given a complaint to the first and second respondents requesting to conduct an enquiry under Sections 82 and 83 of the Registration Act and take action against the 9th respondent. The grievance of the petitioners is that the first and second respondents did not act upon the complaint and left with no other alternative, the present writ petitions have been filed before this Court.

4. Mr.T.M.Pappiah, learned Special Government Pleader, who took notice on behalf of the respondents 1 to 3 submitted that the enquiry can be conducted by the third respondent, since he is vested with powers under Section 83 of the Registration Act. The learned Special Government Pleader further submitted that the petitioners can be directed to give a fresh complaint before the third respondent along with all the particulars and the same will be considered in accordance with law. He further submitted that the earlier representation / complaint can also be annexed along with the fresh representation.

5. This Court carefully considered the submissions made on either side and materials available on record.

6. Taking into consideration, the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the petitioners to submit a fresh complaint to the third respondent along with a copy of the earlier complaint accompanied by all necessary documents.

The third respondent on receipt of the complaint, shall deal with the same strictly in accordance with law. The third respondent shall issue notice to the 9th respondent before proceeding further with the enquiry and passing the final orders. This exercise shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

7. These writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Inspector General of Registration,
Registrar office,
100, Santhome Road,
Mylapore, Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
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Sub Registrar,
Singanallur Sub Registrar Office,
Coimbatore.
- 5.The District Collector,
Coimbatore District,
Collector's Office,
Coimbatore - 641 018.

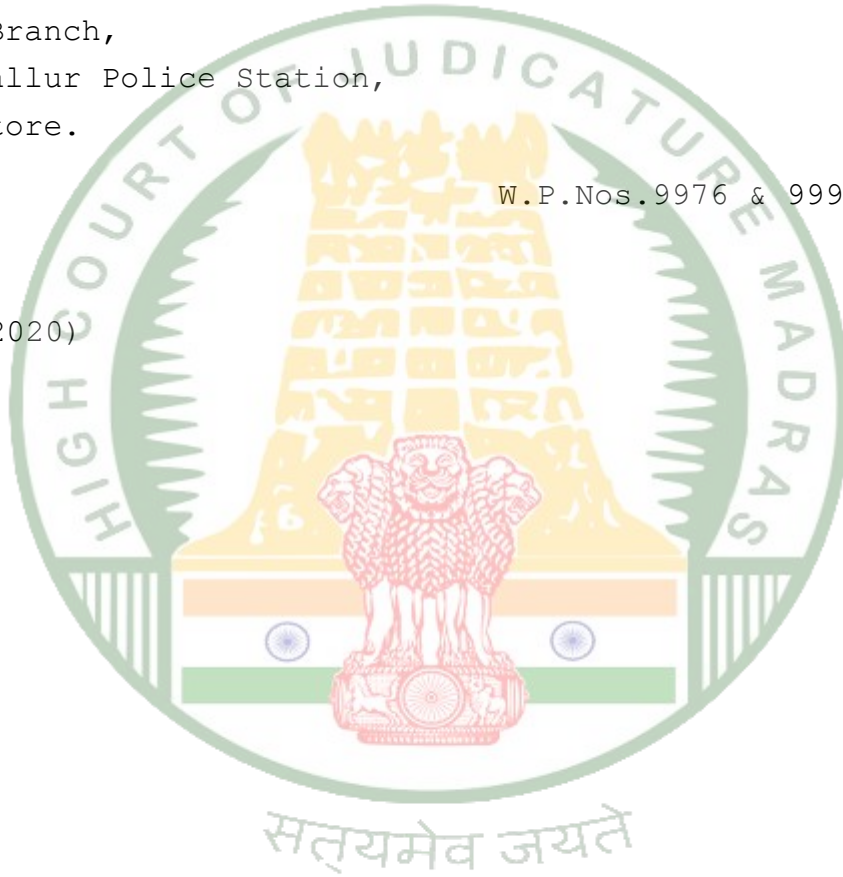
6.The District Revenue Officer,
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7.The Commissioner of Police,
Coimbatore.

8.The Inspector of Police,
Crime Branch,
Singanallur Police Station,
Coimbatore.

W.P.Nos.9976 & 9994 of 2020

VS (CO)
GN(28/09/2020)



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