



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.11.2020**

**CORAM**

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

**W.P. (MD) No.14326 of 2013**

**and**

**M.P. (MD) Nos.1 and 2 of 2013**

S.Arumugam

... Petitioner

-VS-

1. The Joint Sub Registrar No.II,  
Cheranmahadevi,  
Tirunelveli District.
2. The Superintendent of Police,  
Tirunelveli.
3. The Inspector of Police,  
Land Grabbing Cell,  
District Crime Branch,  
Tirunelveli.
4. Pazhavesathammal
5. Boothapandi
6. Kasamuthu
7. Thalavai
8. Muthulakshmi
9. Piramachi
10. Ulagammal

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the registration of the impugned settlement deed in Document No.1060/2010, dated 09.06.2010 of the first respondent and quash the same and further direct the first respondent to make suitable endorsement in the encumbrance register.

For Petitioner : Mr.H.Arumugam

For Respondents 1 : Mr.K.Sathiyasingh

Additional Government Pleader



For Respondents : Mr.K.P.Krishnadoss  
2 and 3 Special Government Pleader

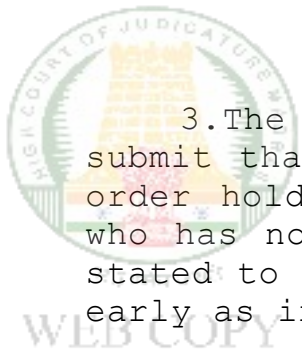
For Respondents : No appearance  
4 to 10 (Names printed in the cause list)

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**ORDER**

This petition has been filed, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the registration of the impugned settlement deed in Document No.1060/2010, dated 09.06.2010 of the first respondent and quash the same and further direct the first respondent to make suitable endorsement in the encumbrance register.

2.The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 46 cents in Survey No.167/3 situated at Gopalasamudram Village originally belonged to one Ganapathy Thevar which he got through a registered sale deed dated 15.11.1937 and after his demise, his only legal heir by name Subbiah Thevar inherited the property. Thereafter, the said Subbiah Thevar also died and his only legal heir by name Pasungili Thevar inherited the property from whom the petitioner had purchased the said property through registered sale deed dated 17.06.1991 and a patta was also issued in his name in Patta No.108. While so, the fourth respondent had executed a settlement deed dated 09.06.2010 in favour of her sons and daughters namely the respondents 5 to 10 herein as if the said property belonged to her husband through Patta No.150. The document was written by an Advocate Mr.S.Balan belongs to Sankarnagar at Tirunelveli and the same was registered by the first respondent vide Document No.1060/2010. It is further stated that the Advocate Mr.S.Balan passed away on 21.04.2006 itself and the enrollment number mentioned in the document also not belonged to him and it belonged to one Mr.A.Natarajan, Advocate, practicing in the Madurai Bar Association. Therefore, according to the petitioner, the registration of the said document is a fraudulent one and he made a complaint before the respondents 2 and 3 on 20.09.2012 but no action was taken. In the meanwhile, the respondents 5 to 10 in order to escape from the criminal case, filed a suit for permanent injunction in O.S.No.151 of 2012 on the file of the District Munsif Court, Cheranmahadevi. Therefore, the petitioner filed a petition seeking direction to register a case in Crl.O.P.No.3141 of 2013 before this Court and this Court had issued a direction to the respondents 2 and 3 to go through the complaint and if it is disclosed a commission of cognizable offence, register an FIR and investigate the same in accordance with law. Even thereafter there was no action by the respondents 2 and 3. Hence, the petitioner has come forward with the present Writ Petition.



3.The learned Counsel appearing for the petitioner would submit that the District Registrar, Cheranmahadevi, has passed an order holding that the document has been registered by a person who has no title over the property. That apart, the document is stated to have been made ready in 2010 by an Advocate who died as early as in 2006.

4.Heard the learned Counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 2 and 3.

5.Though the respondents 4 to 10 have been served and their names have been printed, there is no appearance of behalf of them.

6.Considering the facts and circumstances of the case and also considering the proceedings issued by the District Registrar, Cheranmahadevi, dated 04.11.2019, this Court is of the view that when an order under Section 68(2) of the Registration Act has been passed, the issue has got to be brought to the logical end under Section 83 of the Registration Act. Further, this Court makes it very clear that the respondents 5 to 10 have got to be prosecuted and the issue has got to be brought to the logical end. Hence, the respondents 1 to 3 are directed to proceed against the respondents 4 to 10, if no appeal against the order of the District Registrar, Cheranmahadevi, dated 04.11.2019, has been preferred. Once a criminal case is registered, it should be proceeded with to a logical end, as, in case the respondents 4 to 10 are found guilty, they should not be allowed to go scot-free.

7. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To:

1. The Joint Sub Registrar No.II,  
Cheranmahadevi,

<https://hcservices.ecourts.gov.in/hcservices/> District.



2. The Superintendent of Police,  
Tirunelveli.

3. The Inspector of Police,  
Land Grabbing Cell,  
District Crime Branch,  
Tirunelveli.

+1 cc to The Special Government Pleader Sr.No.22354

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