



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.14075 of 2020

N.R.Krishnamoorthy Raja

... Petitioner

Vs.

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

2.The Sub Registrar,
Rajapalayam Sub Registrar Office,
Rajapalayam,
Virudhunagar District.

3.V.N.Ramasamy Raja

4.P.B.Ganesh Singh Raja

5.R.S.Raju

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to proceed on the complaint dated 06.06.2020 and take actions against respondents 3 to 5 under Sections 82 and 83 of the Registration Act and against the concerned Sub Registrars, Rajapalayam and as per the circular issued by the Inspector General of Registration in Letter No.41530/u1/2017 dated 20.10.2017 and 08.11.2017 for the execution and Registration of fraudulent documents.

For Petitioner : Mr.S.Natarajan

For respondents : Mr.K.Sathya Singh
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing first respondent to proceed on the complaint dated 06.06.2020 and take actions against respondents 3 to 5 under



Sections 82 and 83 of the Registration Act and against the concerned Sub Registrars, Rajapalayam and as per the circular issued by the Inspector General of Registration in Letter No.41530/u1/2017 dated 20.10.2017 and 08.11.2017 for the execution and Registration of fraudulent documents.

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2. Heard the learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Additional Government Pleader, who took notice for the respondents 1 and 2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The learned Counsel appearing for the petitioner submitted that the vacant land situated in Town Survey Ward No.C, Block No.7, Dharmapuram Street, Palayapalayam, Rajapalayam Town, comprised in Old T.S.No.24 (New T.S.No.24/12B), Revenue Survey No.297/1 is part of the petitioner's family property. Suddenly, two months before, the fifth respondent herein had entered into the said vacant land without the petitioner's knowledge and put up compound wall covering 5 cents, based on the alleged sale deed dated 08.06.2015, which was said to be executed by the power agent (P.K.Rajkumar) of the fourth respondent in favour of the fifth respondent. The fourth respondent himself falsely claimed that he became the owner of the said property by way of sale deed dated 20.12.2007, executed by the alleged earlier owner one V.N.Ramasamy Raja, the third respondent herein. It is contrary to the revenue records including the settlement proceedings and also the civil Court findings. Even during the pendency of the civil proceedings interim injunction was granted by this Court against the third respondent that not to alienate the petitioner from the suit property and not to enter into the suit property or put up any construction or in any way interfere with the petitioner's peaceful possession of the suit property, by orders dated 11.01.2008 and 24.11.2008 respectively. Thereafter, suppressing these facts, the respondents 4 and 5 have colluded and fraudulently created the sale deed dated 08.06.2015 and got it registered fraudulently with the help of the then Sub Registrar. Hence, the petitioner lodged a complaint on 03.06.2020. But, the same was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Considering the facts and circumstances of the case and without expressing any opinion on the merits of the matter, this Court is inclined to pass the following order:

"The first respondent is directed to consider the Complaint of the petitioner dated 03.06.2020 and pass orders in accordance with law, particularly, by taking note of Section 68(2) of the Registration Act, 1908, and thereafter, the concerned authority may invoke Section 83 of the said Act. The said exercise shall be done within a

<https://hcservices.ecourts.gov.in/hcservices/> period of four months from the date of receipt of a copy of



this order."

5. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

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

2. The Sub Registrar,
Rajapalayam Sub Registrar Office,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.S. NATARAJAN, Advocate (SR-19719[F] dated 12/10/2020)

+1 CC to M/s.GP (SR-19761[F] dated 12/10/2020)

**W.P(MD)No.14075 of 2020
09.10.2020**

BK(CO)

TR(09.11.2020) 3P 5C