



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.12.2020**

CORAM:

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

W.P. (MD) .No.17692 of 2020

and

W.M.P. (MD) .Nos.14782 and 14784 of 2020

WEB COPY

1.Murugan

2.Mookiah

... Petitioners

Vs.

1.The District Registrar,
District Registrar's Office,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Sub Registrar's Office,
Kayathar,
Kovilpatti Taluk,
Tirunelveli District.

3.Parveen Yadav
Director of Company M/s.R.S.India Power Ltd.,
Registered office at 95A, Ward No.2,
Mehrauli, New Delhi.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the first respondent in Na.Ka.No.1300-2/A3/2019 dated 13.05.2019 and quash the same as illegal and consequently, direct the first respondent to issue a fresh summon to the petitioners, after that to conduct enquiry and pass appropriate orders on merits.

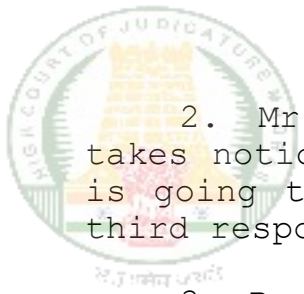
For Petitioners : Mr.K.Gokul

For Respondents 1 and 2 : Mr.K.Sathya Singh

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the first respondent in Na.Ka.No.1300-2/A3/2019 dated 13.05.2019 and quash the same as illegal and consequently, direct the first respondent to issue a fresh summon to the petitioners and thereafter, conduct enquiry and pass appropriate orders on merits.



2. Mr.K.Sathya Singh, learned Additional Government Pleader takes notice for the respondents 1 and 2 and since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.

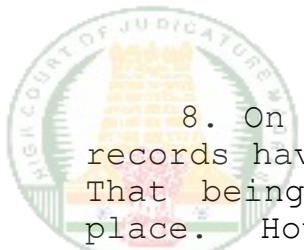
3. By consent, the writ petition is taken up for disposal at the admission stage itself.

4. The case of the petitioner is that the third respondent is the Authorised Director of the said M/s.R.S.India Power Limited Company. The said company is engaged in the business of electric power generation, transmission and distribution. The allegation of the third respondent is that the Company purchased the land comprised in Survey Nos.278/1, 315/1, 316/2, measuring to an extent of 10 acres 52 cents located at Chetikurichi Village, Kayathar Taluk and the sale deed was registered in Sale deed Nos.2078/2006, 197/2007 and 3339/2012 at the second respondent/Sub Registrar Office. Thereafter, the third respondent had taken possession of the said land.

5. It is further submitted that when the third respondent is trying to sell the said property, he came to know that one Ravikumar Sharma executed a forged deed of Power-of-Attorney, dated 25.10.2018 by using a fabricated Letter Head of the third respondent Company in favour of one Jagadish and registered as Document No.1710/2018 before the second respondent. Hence, the third respondent preferred a representation before the respondents 1 and 2. The petitioners are the buyers of the said land.

6. According the petitioners, the third respondent colluded with the said Ravikumar Sharma and Jagadish falsely implicated the petitioners as fraudulent purchasers and made a representation, dated 18.03.2019 to the first respondent to take appropriate steps to cancel the forged documents and also to take steps to prevent registration of any forged documents in future by the said Ravikumar Sharma and others pertaining to the lands owned by the third respondent Company. Thereafter, the first respondent without issuing any notice to the petitioners passed orders on 13.05.2019. In the meantime, the petitioners approached this Court by filing W.P.(MD). No.11480 of 2019 and this Court, by order dated 30.04.2019, directed the first respondent to issue fresh notice to the petitioners. Before the petitioners getting the said order, the first respondent passed the impugned order. Hence, the petitioners have approached this Court with the aforesaid prayer.

7. Heard Mr.K.Gokul, learned counsel for the petitioners and the Mr.K.Sathya Singh, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.



8. On scrutinizing all the records, this Court finds that false records have been created and forged documents have been registered. That being the case, the criminal proceedings should have taken place. However, the petitioners will have to approach the appropriate Civil Forum and invoking Article 226 of the Constitution of India by filing this writ petition is not an alternative remedy. Since the petitioners have already indulged in fraudulent act, the police cannot sleep over the matter. Unless and otherwise the police handle the persons, like, the petitioners with iron hands, fraudulent acts cannot be stalled. I am of the view that the punishment prescribed for fraudulent acts is very minimum. Knowing the fact that these kinds of criminals can come out very easily, this Court cannot entertain these kinds of acts are being committed.

9. Even assuming that the petitioners are going to approach the alternative Civil Court or any other appropriate forum, the finding of this Court in this writ petition is not a bar for conducting criminal proceedings. Hence, the concerned Sub Inspector of Police is expected to ensure to place the fraudulent persons before law, if any complaint is given by the Sub Registrar or the Director of the Company. Unless and otherwise, these issues come to logical end before the Criminal Court and these persons are taken to custody, if it is established, fraudulent act cannot be repeated.

10. After arguments, the learned counsel for the petitioner wanted to withdraw the case and this Court is not inclined to permit the petitioner to withdraw this matter after the arguments are over, more so, when there is a criminal intention is proved in this case by the act of the parties concerned.

11. Accordingly, this Writ Petition stands dismissed with costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

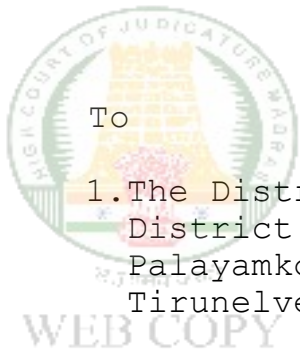
// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Registrar,
District Registrar's Office,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Sub Registrar's Office,
Kayathar,
Kovilpatti Taluk,
Tirunelveli District.

+1 CC to Mr.K.GOKUL, Advocate (SR-24187[F] dated 07/12/2020)

+1 CC to the SPL GP (SR-24247[F] dated 07/12/2020)

W.P. (MD) .No.17692 of 2020
04.12.2020

TP (CO)
CS (18.12.2020) 4P 5C