



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

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

W.P (MD) No.16766 of 2020

and

W.M.P. (MD) .No.13998 of 2020

WEB COPY

K.A.G.India Private Ltd.,
rep. by its General Manager,
K.Hari

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome Road, Chennai-28.

2.The District Registrar,
Office of the District Registrar, Trichy.

3.The Sub Registrar,
Office of the Sub Registrar,
K.Sathanur Sub Registration Office,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents not to encumber or register any of the properties mentioned in the objections dated 23.09.2020 filed by the petitioner.

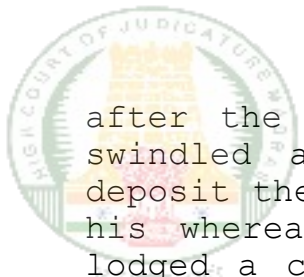
For Petitioner	:	Mr.B.Jameel Arasu
For Respondents	:	Mr.M.Murugan Government Advocate

ORDER

This writ petition has been filed for issuance of a direction to the respondents not to encumber or register any of the properties mentioned and objected in the representation dated 23.09.2020 filed by the petitioner.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is dealing with the tiles business for the last so many years and having its branches all over India. The said Company is also registered under the Companies Act. In connection with the management and daily administration of the Branch Office of the petitioner Company at Trichy, one Srinivasan was appointed during 2011 and he was looking



after the Company. During his tenure, he has misappropriated and swindled away a huge amount of Rs.1,16,37,946/- and failed to deposit the said amount to the account of the petitioner Company and his whereabouts are not known. Therefore, the petitioner Company lodged a complaint to the Inspector of Police, City Crime Branch, Trichy and a case in Crime No.3 of 2020 for the offences under Sections 408, 417 and 420 of IPC was registered against the said Srinivasan. Later, it is known that the said Srinivasan has also swindled huge amounts from various agencies on one pretext or other and did not refund the amount and thus cheated to huge amount and he purchased various properties and now he attempts to encumber all the properties either by alienation or by encumbrances in favour of his own or in favour of his friends and relatives etc. Hence the petitioner Company submitted a representation to the respondents on 24.09.2020 and made objections to encumber or register any of the properties mentioned in the petitioner's representation. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the objections made in the representation of the petitioner dated 23.09.2020 is considered by the respondents at the earliest after providing adequate opportunity to the petitioner and others, who may be affected by the action of the Authorities. The decision taken by the Authorities without hearing the parties, who are likely to be affected, will not bind them.

5. Learned Government Advocate appearing for the respondents would submit that though the petitioner produced authenticated documents, the petitioner has no right over the properties mentioned in the representation. However, the respondents shall look into the matter.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents not to encumber or register any of the properties mentioned in the representation dated 23.09.2020 submitted by the petitioner till the issue ends in accordance with law.

7. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome Road,
Chennai-28.

2.The District Registrar,
Office of the District Registrar,
Trichy.

3.The Sub Registrar,
Office of the Sub Registrar,
K.Sathanur Sub Registration Office,
Trichy.

+1 CC to Spl.Govt.Pleader,Copy Appln.SR.No.22945/20 dated 26.11.2020

**W.P (MD) No.16766 of 2020
24.11.2020**

(DKS) CO

AP(04/01/2021) 3P 5C