



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18586 of 2020

WEB COPY

K.Kovilraj

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its
The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
2. The District Registrar,
Dindigul Registration District,
Dindigul Registration Office,
Dindigul,
Dindigul District.
3. The Sub Registrar,
Palani Registration Office,
Palani,
Dindigul District.
4. Kumarathal
5. K.Manikandan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 20.11.2020 and to conduct enquiry and pass final orders upon the same on the basis of his Objection Petition in Receipt No.7493/2018, dated 22.10.2018, within the stipulated time.

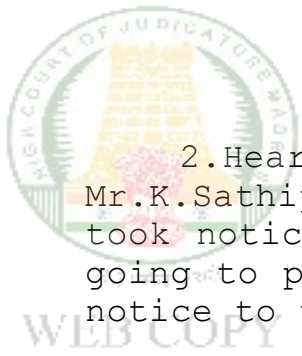
For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Sathiya Singh
1 to 3 Additional Government Pleader

ORDER

This petition has been filed, seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 20.11.2020 and to conduct enquiry and pass final orders upon the same on the basis of his Objection Petition in Receipt No.7493/2018, dated 22.10.2018, within the stipulated time.

<https://hcservices.courts.gov.in/hcservices>



2. Heard the learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse orders against the respondents 4 and 5, notice to them is dispensed with.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is the absolute owner of the property measuring to an extent of 1674 sq. ft. in Survey No.53/1A1 (New Survey No.797/7) in Ward - 8, Perumal Kovil Veethi, Balasamuthiram Village, Palani Taluk, Palani Sapti-1, Palani Reedi, Dindigul District which is his ancestral property. The petitioner's father is the only son to his grandparents and after the demise of the petitioner's father, due to family dispute, his grandfather attempted to alienate the said property in favour of the fourth respondent and therefore, the petitioner filed a civil suit in O.S.No.91 of 2006 on the file of the Sub Court, Palani and O.S.No.245 of 2007 on the file of the District Munsif Court, Palani against the fourth respondent. As against the dismissal of the suit in O.S.No.245 of 2007 the petitioner filed appeal in A.S.No.1 of 2018 on the file of the Sub Court, Palani and the same is pending. While so, the fourth respondent, in order to defeat the rights of the petitioner, attempted to alienate the property in favour of the fifth respondent during October, 2018. Therefore, the petitioner filed an Objection Petition in Receipt No.7493/2018 dated 22.10.2018 before the third respondent stating that the petitioner had filed an appeal in A.S.No.1 of 2018 against the judgment and decree passed in O.S.No.245 of 2007. The petitioner also filed an interlocutory application in I.A.No.37 of 2020 in O.S.No.91 of 2006 for specific relief of not to alienate the property in favour of any third party, which is also pending. While pending the Objection Petition filed by the petitioner, the third respondent allowed the fourth respondent to register a fabricated sale document in Doc.No.2081 of 2020, dated 13.10.2020 in favour of the fifth respondent. Therefore, the petitioner made a representation to the first and second respondents on 20.11.2020. Since the said representation has not been considered by the official respondents, the petitioner has come forward with the present Writ Petition.

4. It is represented by the learned Additional Government Pleader appearing for R1 to R3 that an enquiry would be conducted under Section 68 of the Registration Act to ascertain about the veracity of registration of sale deed and if there is any error, the same would be rectified and registration would be cancelled. It is further represented that in case there is any malpractices found during enquiry, a criminal prosecution will be initiated in terms of Section 83 of the Registration Act.



5. In view of the above submission, the Writ Petition is disposed of, with a direction to the second respondent, before whom the complaint/representation dated 20.11.2020 is pending, to complete the enquiry within a period of 60 days from the date of receipt of a copy of this order and no encumbrance shall take place in the properties in question till a final decision is taken thereon in terms of Sections 68, 82 and 83 of the Registration Act. After completion of enquiry under Section 83 of the Act, if the fraud is established, imprisonment should be primary and imposition of fine is secondary and unless Law is very strict, this kind of fraudulent activities cannot be curtailed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
2. The District Registrar,
Dindigul Registration District,
Dindigul Registration Office,
Dindigul,
Dindigul District.
3. The Sub Registrar,
Palani Registration Office,
Palani,
Dindigul District.

+1 cc to Mr.P.M.Vishnuvarthanan, Advocate SR.No.25964

+1 cc to The Special Government Pleader Sr.No.26198

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