



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.19220 of 2020

P.Karthick

... Petitioner

-vs-

1. The District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur,
Theni District.

3. Murali Krishnan

4. E.Rengarajan

5. P.Katchikannan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to complete the enquiry pursuant to his proceedings in Na.Ka.No.4296/A1/2019, dated 18.08.2020 and to pass order on merits and in accordance with law within a time limit as stipulated by this Court.

For Petitioner : Mr.Hema Karthikeyan. K

For Respondents : Mr.K.Sathiya Singh
1 and 2 Addl. Govt. Pleader

O R D E R

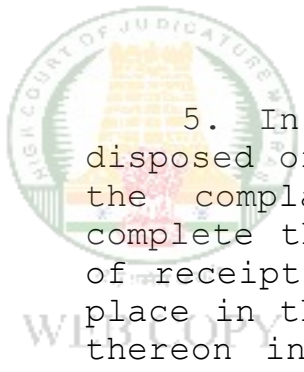
The petitioner has come forward with this Writ Petition, seeking direction to the first respondent herein to complete the enquiry pursuant to his proceedings in Na.Ka.No.4296/A1/2019, dated 18.08.2020 and to pass order on merits and in accordance with law within a time limit as stipulated by this Court.

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



3. It is the case of the petitioner that the land measuring to an extent of 62 Cents; 1 Acre 60.5 Cents and 4 Cents in Survey Nos.890/2, 891/2 and 888/3 respectively situated Mallaiyankulam Village, Cumbum Town belonged to the third respondent herein, who executed a power of attorney in favour of the petitioner's father, namely, Late.Pallingam by a registered deed dated 03.03.2008 and on the same day, the petitioner's father had paid the entire sale amount to the third respondent and received the documents. The third respondent had also executed an unregistered sale deed in favour of the petitioner's father and given possession. Thereafter, the petitioner's father cultivated coconut trees in the said land and after his demise, the petitioner has been in possession and enjoyment of the same. On 08.04.2019 when the petitioner's father had approached the third respondent for execution of sale deed, he demanded an additional sum of Rs.1,50,000/- for which the petitioner's father had also agreed to pay the same on or before the end of May, 2019 and paid a sum of Rs.20,000/- as advance. While so, the third respondent had executed a sale deed in respect of the said properties to the respondents 4 and 5 on 09.08.2019. Therefore, the petitioner's father had sent a representation on 30.09.2019 to the second respondent seeking to cancel the said sale deed dated 09.08.2019 and on the same day, the petitioner's father also made a representation to the Inspector General of Registration who had forwarded the same to the first respondent directing him to take action as per Section 68(2) of Registration Act. In the meanwhile, the petitioner's father died on 11.07.2020 due to his illhealth. Thereafter, the petitioner had sent a representation to the first respondent on 17.08.2020 and considering the same, the first respondent called the petitioner to appear for enquiry on 25.08.2020. As directed by the first respondent, the petitioner had appeared before the first respondent and produced necessary documents. In the meanwhile, the Deputy Inspector General of Registration, Madurai, directed the first respondent to taken action on the petitioner's complaint and intimate the same to the petitioner vide his letter dated 21.08.2020. Even thereafter, there is no response from the respondents. Hence, the petitioner has come forward with the present Writ Petition.

4.It is represented by the learned Additional Government Pleader appearing for R1 & R2 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 first respondent, before whom the complaint/representation dated 17.08.2020 is pending, to complete the enquiry within a period of four months 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1.The District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur,
Theni District.

+1 cc to The Additional Government Pleader Sr.No.27278

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