



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.(MD)No. 6406 of 2016

Felici Rajakumaarai

...Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome High Road, Chennai.
2. The District Registrar,
Ariyalur Registration District,
Ariyalur.
3. The Revenue Divisional Officer,
Lalgudi, Trichy District.
4. The Deputy Superintendent of Police,
Lalgudi, Lalgudi Taluk, Trichy District.
5. The Sub-Registrar,
Pullambadi Sub Register Officer,
Lalgudi Taluk, Trichy District.
6. The Inspector of Police,
Lalgudi Police Station,
Trichy District.
7. M. Henry Manoharan
8. S. Annadurai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the Sub Registrar of Pullambadi the 5th respondent herein to cancel the sale deed in document No.370/2015 dated 10.03.2015 and further more direct the Deputy Superintendent of Police the 4th respondent herein and the inspector of police, Lalgudi the 6th respondent herein to register the case against the 7th and 8th respondents on the basis of the order issued by the District Registrar the 2nd respondent herein in Na.Ka.A3-1025-2015 as per the circular No.67 dated 03.11.2011 within the stipulated period fixed by this Court.



For Petitioner : Mr.R.Rajaraman
For R-1 to R-6 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For R-8 : Mr.T.Lenin Kumar

ORDER

This Writ petition is filed sought for a direction to the Sub Registrar of Pullambadi/5th respondent herein to cancel the sale deed in document No.370/2015, dated 10.03.2015 and further more direction to the Deputy Superintendent of Police/4th respondent herein and the Inspector of police, Lalkudi/6th respondent herein to register the case against the respondent Nos.7 & 8 on the basis of the order issued by the District Registrar/2nd respondent herein in Na.Ka.A3-1025-2015 as per the circular No.67, dated 03.11.2011, within the stipulated period fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that the said property originally belonged to one Samikannu S/o. Lukas Servai. He died on 05.04.1992 leaving behind the petitioner and others including seventh respondent as his legal heirs. The inherited property all the revenue records were stand in the name of the deceased Samikannu. While being so, the seventh respondent herein being brother of the petitioner herein fraudulently created forged chittaa, patta and other revenue records and executed a sale deed in favour of the eighth respondent herein. Therefore, the petitioner has lodged several complaints before the fifth respondent for taking appropriate action and also requested to cancel the sale deed. But, they did not take any action and as such the petitioner was constrained to lodge the complaint before the second respondent and on enquiry, the second respondent has passed an order, dated 24.08.2015 and directed the fifth respondent herein to take appropriate action to cancel the sale deed and also directed the fourth respondent to take appropriate action for the offence committed by the seventh respondent herein. Even, then the fourth and fifth respondents did not take any action as directed by the second respondent.

3. The learned counsel for the eighth respondent submitted that the seventh respondent is none other brother of the petitioner now he died and sofar as the eighth respondent is concerned he was not a party to the enquiry conducted by the second respondent and issued direction only to take action against the seventh respondent herein. Since the eighth respondent was not a party to the enquiry conducted by the second respondent herein no direction was issued to take action as against him.

4. The learned Government Advocate (crl. Side) appearing for the respondent Nos.1 to 6 would submit that sofar no complaint was received by the respondent Nos.4 & 6 herein in respect of direction issued by the second respondent, dated 24.08.2015.



5. Heard Mr.R. Rajaraman, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for R-1 to R-6 and Mr.T. Lenin Kumar, learned counsel appearing for R-8.

6. Admittedly, the petitioner and the seventh respondent are the legal heirs of the Samikannu along with other brothers and sisters. According to the petitioner, the property originally owned by his father and after his demise, without the knowledge of the petitioner and other legal heirs, the seventh respondent has fabricated the Patta, Chitta and revenue documents and on strength of the same executed the sale deed in favour of the eighth respondent herein. Therefore, the petitioner has lodged a complaint before the revenue officials to take appropriate action as against them. Based on the complaint lodged by the petitioner the second respondent has conducted enquiry and issued direction to the fourth and fifth respondent to take appropriate action to cancel the sale deed as well as under criminal procedure code, so far the fourth and fifth respondent did not take any action against the seventh respondent herein.

7. The learned counsel appearing for the eighth respondent submitted that the eighth respondent was not a party in the enquiry conducted by the second respondent herein. According to him, he is a bonafide purchaser and he has no absolute knowledge about the dispute between the legal heirs. Since the seventh respondent died, after executing the sale deed in favour of the eighth respondent no action can be taken as against him. Therefore, direction sought for by the petitioner cannot be granted now and the petition is devoid of merits. Hence, the Writ Petition stands Dismissed. No Costs. However, the petitioner is at liberty to file a suit to cancel the sale deed executed in favour of the eighth respondent herein in the manner known to law, if so advised. Further, the petitioner is at liberty to approach the second respondent for appropriate action.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

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5. The Sub-Registrar,
Pullambadi Sub Register Officer,
Lalgudi Taluk, Trichy District.
6. The Inspector of Police,
Lalgudi Police Station,
Trichy District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SGS (CO)
CS (30.11.2020) 4P 8C