



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM

THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.No. 29836 of 2019

K.Kalyanasundaram
S/o.Krishnappa Gounder,
Proprietor,
M/s.SMT Chit and Finance Corporation,
53-1, 53-2, Kondasamy Naidu Nagar,
Karamadai, Coimbatore - 641 104.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
3. District Registrar (Admin),
Assistant Inspector General of
Registration Level,
Coimbatore, Coimbatore District.
4. The Sub-Registrar,
Mettupalayam,
Coimbatore, Coimbatore District.
5. Mr.R.Manoharan
6. Deputy Registrar of Co-operative
Societies,
Coimbatore Region,
O/o.Joint Registrar of Cooperative
Societies,
Chinthamani Complex, Mettupalayam Road,
R.S.Puram, Coimbatore - 641 000.
7. M/s.K2024 Bellathi Primary Agricultural
Co-operative Credit Society,
Rep.by its Registrar,
1/109, Bellathi Po., Karamadai Via,
Mettupalayam, Coimbatore - 641 104

...Respondents



(R7 impleaded as per order dt.14/02/2020
made in WMP.No.3652/2020 in W.P.
No.29836 of 2019)

WEB COPY: Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the 3rd respondent's proceedings made in impugned order dated 09/07/2019 vide No.4009/A1/2019 passed by the 3rd respondent confirming the order in Refusal Check Slip dated 10/12/2018 in Refusal Number: RFL/Mettupalayam/53/2018 and the Refusal Check Slip dated 09/05/2019 in Refusal Number RFL/Mettupalayam/908/2019 both passed by the 4th respondent, quash the same and to consequently, direct the 1st respondent to issue appropriate orders to the 2nd, 3rd and 4th respondent to register the petitioner's sale deed executed on 10/12/2018 for the conveyance of the land measuring an extent of about 3100sq.ft. at Site No.13 (regularized as per the order No.770/06 dated 04/06/2009 passed by the Executive Officer of Karamadai Town Panchayat) situated at Survey No.205/1A2A(as per latest patta No.2649) at Karamadai Village, Mettupalayam and morefully described in the Schedule hereunder in favour of the petitioner.

For Petitioner : Mr.I.Jenkins William

For Respondent : Mr.Yogesh Kannadasan
Nos.1 to 4 & 6 Govt.Advocate

Respondent : No appearance
No.5

ORDER

The Writ petitioner is a money lender. He had lent, according to him, a sum of Rs.10,00,000/- to the 5th respondent on 17.10.2013. He claims that the 5th respondent had handed over all original documents, relating to the schedule mentioned property viz., vacant house site measuring 3100 sq.ft at site No.13, survey No.205/1 A 2A at Karamadai Village in Mettupalayam Taluk to the petitioner herein.

2.In the writ petition, the manner in which the amount was lent had not been stated. No document for actual lending of money had been produced, except a copy of the sale deed of the



WEB COPY

said property. It is stated that the 5th respondent did not repay the amount. What was filed along with the writ petition is the copy of a sale deed sought to be registered. It has no evidentiary value and need not be looked into.

3. In the meanwhile, it transpired that the 5th respondent, who was Secretary of Bellathi Primary Agricultural Co-operative Credit Society, had a charge computed against him, that he along with two others had misappropriated a sum of more than Rs.2.5 crores of public money deposited in the said Society.

4. This had necessitated the 6th respondent viz., the Deputy Registrar of Cooperative Society to issue a letter to the concerned Sub Registrar Office giving a list of properties owned by the 5th respondent and requesting that no registration should be effected with respect to the said properties. Along with the letter, it had also been mentioned that no document in the name of the 5th respondent should also be registered by the Sub Registrar.

5. In view of that letter, the Sub Registrar, Mettupalayam who is shown as 4th respondent refused to entertain the sale deed produced by the petitioner herein for registration. This has necessitated the filing of the present writ petition.

6. I am afraid I cannot give any relief to the petitioner herein for the simple reason that there is no single piece of paper produced that either he was a money lender or that he had advanced money to the 5th respondent or that the 5th respondent had voluntarily come forward to execute a sale deed in view of non repayment of the money borrowed. If money has been lent on the basis of the deposit of title deeds, the writ petitioner herein should have instituted a suit on the basis of such deposit of title deeds and sought recovery of money in manner known to law and on failure to pay such money bring the property for sale again in the manner known to law. Bringing forward a sale deed purported to have been executed by the 5th respondent, particularly, when the 5th respondent is charged with defalcation of a sum more than Rs.2.5crores of public money along with two others, gives much credence to the statement of made in the counter affidavit of the 6th respondent that there is every possibility that the writ petitioner and the 5th respondent are in collusion.

7. In view of the reasons stated above, I hold that the petitioner had not discharged the lurking suspicion in the mind of the Court that is in collusion with the 5th respondent. I am



WEB COPY

not inclined to grant the relief. Accordingly, the writ petition is dismissed. No order as to costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

sms

To

1. The Secretary,
The State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
3. The District Registrar (Admin),
Assistant Inspector General of
Registration Level,
Coimbatore, Coimbatore District.
4. The Sub-Registrar,
Mettupalayam,
Coimbatore, Coimbatore District.
5. The Deputy Registrar of Co-operative
Societies, Coimbatore Region,
O/o.Joint Registrar of Cooperative
Societies,Chinthamani Complex, Mettupalayam Road,
R.S.Puram, Coimbatore - 641 000.
6. The Registrar,
M/s.K2024 Bellathi Primary Agricultural
Co-operative Credit Society,
1/109, Bellathi Po., Karamadai Via,
Mettupalayam, Coimbatore - 641 104

+1cc to Mr.I.Jenkins William, Advocate, S.R.No.37901
+1cc to the Government Pleader, S.R.No.38487

W.P.No. 29836 of 2019

PL(CO)
CT(02/09/2021)