



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P(MD)No.2867 of 2021

and

W.M.P(MD)No.2340 of 2021

WEB COPY

N.R.Krishnamoorthy Raja

...Petitioner

Vs

1. The District Registrar (Admin),
Periyakulam,
Theni District.

2. The Sub Registrar,
Theni,
Theni District.

3. R.Venkatesan

4. Mahalakshmi

5. Vijayan

6. Ramesh

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to proceed on the complaint dated 03.11.2020 and take actions against respondents 3 to 5 under Section 82 and 83 of the Registration Act and against the concerned Sub Registrar, Theni as per the circular issued by the Inspector General of registration in Letter No.41530/U1/2017, dated 20/10/2017 and 08/11/2017 for the execution and registration of fraudulent documents.

For Petitioner

: Mr.S.Natarajan

For respondent

: Mr.K.Sathiya Singh

Nos.1 and 2

Additional Government Pleader

For respondent

: Mr.J.Pooventherarajan

Nos.3 to 6

ORDER

The case of the petitioner is that he is the owner of the land and building comprised in Door No.13 and 14, Old Pappu Raja Lane Street in S.No.518/2, Old Ward No.17 and New Ward No.25 and present T.S.No.4/1, Ward No.D, Block No.20 of Allinagaram Village, Theni Town, Theni District measuring about 1610 Sq.ft.

2. According to the petitioner a document was written in the
<https://hcservices.ecourts.gov.in/hcservices/>



year 1981, as if the petitioner was selling vacant land in favour of one Rajangam father of the 3rd respondent. According to the petitioner, the document was actually intended to be only a security for another transaction and for not sale transaction.

3. According to the petitioner, the property continues to be in his possession and enjoyment and patta also stands in his name and all tax being paid by him including property tax as on date. Some documents were registered on the basis of fraudulent transactions and also registered by the respondents at the instance of the 4th respondent and in order to take appropriate action for registration of rectification deeds in favour of the private respondents, a complaint was submitted by the petitioner to prosecute the persons responsible for the fraudulent registration of deeds under Section 81 and 82 of the Registration Act.

4. According to the petitioner, a complaint was given on 03.11.2020 to the 1st respondent, who is under legal obligation to take appropriate action for such registration of invalid and fraudulent deeds. Since there is no action forthcoming from the 1st respondent, the petitioner is before this Court.

5. The learned Counsel appearing for the petitioner would submit that despite the complaint given by the petitioner on 03.11.2020 with all supportive materials, no action seems to be forthcoming from the authority and therefore, he is before this Court seeking a direction to the 1st respondent to take pass appropriate orders.

6. At this learned Counsel appearing for the official respondents would submit that the 1st respondent has already initiated action vide proceedings dated 11.02.2021 and a copy of the same was also produced before this Court today and therefore, the matter would be enquired into and orders would be passed.

7. When this Court perused the proceedings, it is seen that enquiry notice was issued including to the petitioner herein, but what is mentioned under reference in the proceedings is the complaint of the 4th respondent dated 16.10.2020. However, the complaint of the petitioner herein dated 03.11.2020 has not been referred to.

8. When the learned Counsel for the official respondents was confronted with by this Court as to what is the status of the petitioner's complaint, the learned Counsel would submit that a direction may be issued to the 1st respondent to enquire into the petitioner's complaint as well along the 4th respondent's complaint together and a direction may also be issued to pass a comprehensive order on the basis of the disposal of both complaints, within a reasonable time to be stipulated by this Court.



9. In view of the above submission of the learned Counsel on either side, this writ petition is disposed of, with directions as under:

i. The 1st respondent is directed to enquire into the complaint of the petitioner dated 03.11.2020 as well as the complaint of the 4th respondent dated 16.10.2020 in pursuance of the notice dated 11.02.2021.

ii. The 1st respondent in this regard may call for any materials in support of the respective parties and also afford an personal hearing to all the parties concerned including the petitioner and private respondents, and

iii. After conclusion of the enquiry, the 1st respondent is directed to pass appropriate orders on merits and in accordance with law within period of three months therefrom and a copy of the order along with enquiry report shall be communicated to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Registrar (Admin),
Periyakulam,
Theni District.

2.The Sub Registrar,
Theni,
Theni District.

+1 CC to M/s.S.NATARAJAN, Advocate (SR-8603[F] dated 04/03/2021)

+1 CC to M/s.J.POOVENTHERARAJAN, Advocate (SR-8506[F] dated 03/03/2021)

+1 CC to M/s.SPL GP (SR-8766[F] dated 04/03/2021)

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03.03.2021

SJ(CO)

KB(18.03.2021) 3P 6C