



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12895 of 2021

and

WMP(MD)No.9970 of 2021

WEB COPY

R.Balakrishnan

... Petitioner

vs.

1)The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai-600 028.

2)The District Registrar,
O/o. The District Registrar,
Palayamkottai,
Tirunelveli District.

3)The Sub-Registrar,
O/o.The Sub Registrar,
Kovilpatti,
Tuticorin District.

4)J.Sridhar

... Respondents

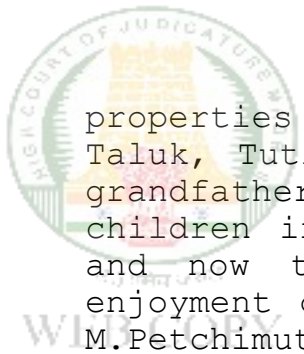
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, for a direction directing the Respondent 1 to 3 to conduct enquiry with regard to fraudulent registration made by the respondent by the respondent No.4 in accordance with the Circular/Letter No.41530/U1/2017 dated 08.11.2017 issued by the respondent No.1 and consequently initiate criminal proceedings against the Respondent No.4 and record the findings of the enquiry in encumbrance certificate within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapthi Roy
For R1 to R3 : Mr.M.Lingadurai,
Government Advocate R1 to R3

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the Respondent 1 to 3 to conduct enquiry with regard to fraudulent registration made by the 4th respondent and consequently initiate criminal proceedings against him and record the findings of the enquiry in the encumbrance certificate within the time period to be stipulated by this Court.

2.The learned counsel for the petitioner would state that the
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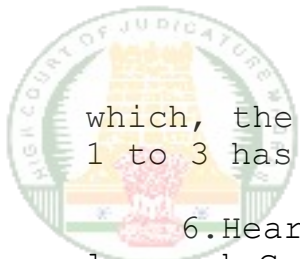


properties in Survey No.516/1A in Ilupaiurani Village, Kovilpatti Taluk, Tuticorin District, originally belonged to the petitioner's grandfather and after his demise, it was devolved on his five children including the petitioner's father namely, Periya Ramasamy and now the petitioner and his father are in possession and enjoyment of the above property. He would further state that one M.Petchimuthu had fraudulently obtained the sale deed from Perumal Samy S/o.Periya Ramasamy, Sankar Raj S/o.Chinna Ramasamy, Renga Samy S/o.Sangava Naicker, Dhanush Kodi S/o.Seeni Naicker, without the knowledge of other 23 legal heirs and therefore, the petitioner filed a suit for declaration and injunction in O.S.No.172/2003 before the District Munsif Court, Kovilpatti, to declare the sale deed executed in favour of the said Petchimuthu as illegal and to injunct Petchimuthu and his men from disturbing peaceful possession of the subject property. The said suit was dismissed, against which, the petitioner filed A.S.No.54/2007 before the Sub Court, Kovilpatti and the same was allowed by judgment and decree dated 15.04.2009 reversing the judgment passed in the suit.

3.He would further state that the said Petchimuthu died on 12.12.2012 and his wife Thangammal and his sons Rajagopal, Ramesh and daughter Meenakumari had executed a sale deed on 30.06.2021 in favour of the 4th respondent who is an advocate practicing in civil courts, Kovilpatti, in respect of the suit property vide sale deed No.5542/2021. Thus, the petitioner lodged a complaint to the 2nd respondent with regard to the fraudulent registration done by the 4th respondent in sale deed No.5542/2021 dated 30.06.2021 and to take action in the light of the circular No.67 dated 03.11.2011 issued by the 1st respondent.

4.The learned counsel for the petitioner would further state that the circular issued by the 1st respondent in Letter No.41530/U1/2017 dated 08.11.2017, categorically provides for the procedure to deal with the complaints relating to the fraudulent registrations and once the enquiry is completed by following the summary procedure, the 2nd respondent shall pass a speaking order and communicate the same to the petitioner through registered post. Further, under Section 83 of the Registration Act, 1908, the registering officers are empowered to initiate criminal prosecution for any offence under this Act. Thus, the petitioner made a representation dated 10.08.2020 to the respondents 1 to 3, to initiate criminal prosecution against the 4th respondent in the light of the circular in Letter No.41530/U1/2017 dated 08.11.2017, but no action has been taken. He has also made a representation dated 12.07.2021 in this regard and there was no response. Hence, this writ petition.

5.When the writ petition is taken up for hearing, the learned counsel for the petitioner would state that it is suffice if the petitioner's representations dated 10.08.2020 and 12.07.2021 are considered by the respondents 2 and 3 within a time frame, for



which, the learned Government Advocate appearing for the respondents 1 to 3 has agreed.

6. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents 1 to 3. Since no adverse order is going to be passed, notice to the 4th respondent is not necessary.

7. Though the petitioner has come out with the larger prayer, during the hearing, the learned counsel for the petitioner would state that it would suffice if the petitioner's representations dated 10.08.2020 and 12.07.2021 are disposed of within a time frame. Therefore, without advert to the merits of the case, the respondents 2 and 3 are directed to consider and pass orders on the petitioner's representations dated 10.08.2020 and 12.07.2021 in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai-600 028.

2) The District Registrar,
O/o. The District Registrar,
Palayamkottai,
Tirunelveli District.

3) The Sub-Registrar,
O/o. The Sub Registrar,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-24705[F] dated
30/07/2021)

W.P(MD)No.12895 of 2021

DATED : 29.07.2021

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