



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3109 of 2022

R.Nurselvi

..Petitioner

vs

1. The District Registrar,
Office of the District Registrar,
Registration Department,
Kamaraj Salai,
Saram, Puducherry-605 013

2. Krishnamurthy,

3. Jai Ganesh

4. Kumar

5. Rajinish Kumar Rai

6. Mathiazhagan

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue an appropriate order or direction or Writ of Mandamus directing the 1st respondent to expedite the enquiry proceedings and dispose of the complaint dated 01.10.2021 filed by the petitioner under Section 68 of the Registration Act, 1908.

For Petitioner : Mr.G.Sankaran

For R1 : Mr. Yogesh Kannadasan
Special Govt. Pleader

O R D E R

The Writ Petition has been filed seeking direction to the 1st respondent to expedite the inquiry proceedings and dispose of the complaint dated 01.10.2021 filed by the petitioner under Section 68 of the Registration Act, 1908.

2.Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 1st respondent. Since no adverse orders are passed against the private respondents, notice on respondents 2



to 6 is dispensed with.

3. The case of the petitioner is that by virtue of a registered Sale deed vide No.7778 of 2017 dated 16.06.2017 on the file of the Sub-Registrar, Villianur, executed by one Mir Sultan Mohidine, son of late Crochild Jehan Pacha & Ms.Saadattunisa Begum, Daughter of late Crochild Jehan Khan @ Crochild Jehan Pacha, in favour of the petitioner, now, the petitioner is the absolute owner of the two items of the property comprised in Re-Survey No.154 & 155/2 situated in Villianur Revenue Village, Puducherry measuring 03 Hectare 34 acres or 3,59,384 sq. ft. Further, the petitioner had purchased the said property for valuable sale consideration amounting to Rs.7,50,000/- (Rupees Seven Crores and Fifty Lakhs only) and possession was handed over to the petitioner on the day of execution of the sale deed. Further, the petitioner has been regularly discharging the statutory dues with regard to the property and all revenue records and patta were issued in her name. It is averred that one group headed by Krishnamurthy, son of Jayaraman had executed two fraudulent settlement deeds vide document No.4586/2010 dated 13.09.2010 and document No.4587/2010 dated 13.09.2010 on the file of the Sub-Registrar, Villianur, Puducherry in favour of his son namely Jai Ganesh with regard to the said property and another group headed by one Kumar, son of Marimuthu, has executed two fraudulent registered sale deeds vide document No.5826/2011 dated 17.10.2011 and document No.5827/2011 dated 17.10.2011 on the file of the Sub-Registrar, Villianur, Puducherry, in favour of Rajinish Kumar Rai, son of Kavindra Narayana Moorthy and Mathiazhagan son of Ramu Gounder of the said property respectively. As is the case, the Sub-Registrar himself has lodged a complaint before CBCID Police Station, Puducherry on 17.02.2011 and upon receipt of complaint, on 20.09.2011 the case was registered in Cr.No.12 of 2011 dated 20.09.2011 for the offences under Section 420, 468, 471 r/w 34 of IPC and after investigation charge sheet has been filed before the learned Chief Judicial Magistrate, Puducherry and the case is pending trial in C.C.Nos.929 of 2019 and 940 of 2019 against both the groups. It is the further averment that in connection with forged documents the petition states that the respondents 2 to 6 tried to interfere with the peaceful possession of property and so had filed injunction suit in O.S.No.1554 of 2017 before I Additional District Munsif, Puducherry. In view of the disturbance caused by the respondents 2 to 6, the petitioner has submitted a complaint before the first respondent requesting to conduct inquiry under Section 68 (2) of the Registration Act, 1908 and to pass an order declaring the aforesaid documents as forged documents and make necessary entries in the revenue records as per Circular dated 05.08.2021 issued by the Inspector General of Registration, Government of Puducherry. The first respondent also has issued summons to all



the interested persons to appear before the inquiry and it is stated that instead of co-operating, the respondents 2 to 6 are dodging the inquiry proceedings by adopting various dilatory tactics. Hence, the writ petition.

4. The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the first respondent to expedite the inquiry proceedings and dispose of the complaint dated 01.10.2021 within the stipulated time as fixed by this Court.

5. Mr. Yogesh Kannadasan, learned Special Government Pleader submitted that the first respondent shall proceed in accordance with law and pass orders within the time frame fixed by this Court.

6. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader on behalf of the respondent and perused the materials available on record.

7. Considering the facts and circumstances of the case and having regard the submissions made by the learned counsel on either side, without going into the merits of the issue, this Court directs the first respondent to consider the representation of the petitioner dated 01.10.2021, by conducting inquiry after affording opportunity to all the necessary parties and pass orders on merit and in an accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

The District Registrar,
Office of the District Registrar,
Registration Department,
Kamaraj Salai, Saram
Puducherry - 605 013.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.9839
+1cc to the Government Pleader, S.R.No.10403

W.P.No.3109 of 2022

GMR(CO)
RGA(28/02/2022)