



WP.No.2019 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

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and

M.P.No.1 of 2014

P.Pandithurai

... Petitioner

Vs

1. The District Registrar (Administration)

Office of the Registration,
Chengalpet, Kancheepuram District.

2. Sukanya Rao

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings No.2187/B1/2013, dated 25.12.2013 and quash the same.

For Petitioner : Mr. C.Prakasam

For Respondents : Mr.Yogesh Kannadasan, SGP R1
Mr.V.Raghavachari R2

ORDER

The Writ Petition has been filed seeking to quash the impugned order dated 25.12.2013 passed by the first respondent.

2. The case of the petitioner is that he purchased a land measuring



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an extent of 8.37 acres situated in S.No.300/9B9, Puzhithivakkam Village, Maduranthagam Taluk, Kancheepuram District under sale deed in Document No.6750/2007, dated 27.09.2007 fromone Kubendran, who is power agent of Saraswathi Ammal. After purchase of the said land, the petitioner was handed over the possession by the said Kubendran. In the year 2010, the petitioner came to know that the said Kubendran impersonated the second respondent's mother's signature and executed a sale deed. Even though the second respondent's mother died in the year 1987 itself and cheated the petitioner. Further the second respondent along with four others were filed a suit before the District Munsif Court, Maduranthagam against the petitioner as one of the defendant. Furthermore, the second respondent made a complaint before the first respondent to cancel the document No.1163 of 2007/IV/2007 which was executed by one Kubendran in favour of the petitioner. After enquiry, the first respondent passed the impugned order dated 25.12.2013 for initiating the criminal proceedings against the petitioner. Challenging the said impugned order, the present petition has been filed seeking to quash the same.

3. The learned counsel for the petitioner submitted that the



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impugned order was passed in terms of the Circular No.67 dated 10.07.2017 and during pendency of the writ petition, the said Circular was withdrawn by the Government on 10.07.2017 and the order passed in terms of the said Circular also subsequently withdrawn. Accordingly, the writ petition has to necessarily allowed in favour of the petitioner.

4. The learned counsel for the second respondent did not dispute the submission made by the petitioner. However, the first respondent have power to initiate the criminal proceedings against the petitioner in terms Section 82 and 83 of the Registration Act. Hence, this Court, without interfering with the criminal prosecution, may allow the petition in respect of the withdrawn of the said circular alone.

5. Heard both sides and perused the materials available on record.

6. The facts of the case are not in dispute. The petitioner filed a writ petition challenging the impugned G.O. Admittedly, the second respondent made a complaint before the first respondent to cancel the sale



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deed in terms of Circular No.67 dated 03.11.2011. However, the fact remains that the petitioners vendor impersonated the second respondent's mother signature and executed the sale deed in respect of the subject property. When the first respondent enquired the matter, he found out that the allegation committed and directed to initiate the criminal prosecution against the petitioner in terms of the above said Circular. The learned counsel has pointed out that the said Circular was withdrawn by the government on 20.10.2017. Pursuant to which, all the orders passed in terms of the said Circular was also withdrawn by the Government.

7. In view of the above, this Court is inclined to interfere with the impugned order passed by the first respondent. Accordingly, the said impugned order is hereby set aside and however, liberty is granted to the second respondent to work out her remedy in the manner known to law and the first respondent is directed to proceed with the matter in terms of Sections 82 and 83 of the Registration Act.

8. In the result, the writ petition stands allowed. No costs.



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Consequently, connected miscellaneous petition is also closed.

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Rli

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

The District Registrar (Administration)
Office of the Registration,
Chengalpet,
Kancheepuram District.



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M.DHANDAPANI, J.

Rli

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