



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21976 of 2021

and

W.M.P.Nos.23182, 23216, 23218 & 30083 of 2021 and 2658 & 5358 of 2022

Jaikumar

...Petitioner

Vs.

1. The Deputy Inspector General of Registration,
1st Floor, Kamaraj Road,
Red Fields, Puliakulam,
Coimbatore-641 018.

2. The District Registrar (Administration),
No.1/529, Neriperichal Village,
Pulavapatti Post, Tiruppur-641 602.

3. Dhandapani
4. Kamalathal
5. Savitha
6. Deivasigamani
7. Lakshmi
8. Shanmugaraj
9. Ramasamy
10. Muthusamy

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.No.2194/A5/2021 dated 16.09.2021 and quash the same and further forbear the respondents from interfering with the properties pertaining to the sale deed dated 23.12.2020 in Do.No.11299 of 2020 Joint Sub Registrar, Tiruppur District.



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For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.Yogesh Kannadasan,
Spl.GP, for R1 & R2
: M/s.K.Sathyabal, for R3, 8 & 9.
: Mr.V.Raghavachari,
for Mr.L.Jai Venkatesh, for R10.
: Mr.P.Valliappan
for M/s.P.V.Law Associates,
for R4, 5, 6 & 7.

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.No.2194/A5/2021 dated 16.09.2021, quash the same and consequently forbear the respondents from interfering with the properties pertaining to the sale deed dated 23.12.2020 in Do.No.11299 of 2020 Joint Sub Registrar, Tiruppur District.

2. The case of the petitioner is that, the lands comprised in S.Nos.20/1, 21, 27, 28, 29/1, 22, 24, 25, measuring an extent of 0.02 cents, 1.50 acres, 13.61 acres, 4.47 acres, 8.35 acres, 5.82 acres, 7.42 acres and 13.14 acres respectively situated at Andipalayam village, originally belongs to one P.N.Ramasamy gounder and he has purchased the same by way of Court auction dated 21.10.1927 in Doc.No.65/1927 and he was in possession and enjoyment of the said lands. Whiles, the said P.N.Ramasamy filed a suit in O.S.No.821 of 1958 on the file of District Munsif, Tiruppur, seeking for relief of partition in respect of properties purchased by him against one Sennimalai gounder, Nachimuthu gounder and Ponniagounder and the same was decreed by means of joint endorsement of settlement between the parties and the said Ramasamy gounder was allotted with 1/8th share in both A and B schedule properties and 9/16th share in C schedule properties, vide decree dated 21.03.1960. Thereafter, the above said properties have gone through the hands of many persons and finally stood conveyed in favour of the legal heirs of one Jeganathan and one Balasubramanian.

3. It is the further case of the petitioner that, he has purchased the property comprised in S.No.54/1, measuring an extent of 46.5 cents situated at Andipalayam village, vide sale deed dated 23.12.2020 in Doc.No.11299 of 2020 and thereby, he applied for name change in patta and the petitioner was granted patta in Patta No.3419, however, the name of the legal heirs of



defendants in O.S.No.821 of 1958 were also included in the said patta, who do not have any right over the properties. Therefore, the petitioner's vendor preferred a police complaint before the Central crime branch Tiruppur, pursuant to which, the legal heirs of defendants in O.S.No.821 of 1958 were called for enquiry vide communication dated 13.03.2021. Thereafter, the legal heirs of defendants in O.S.No.821 of 1958 have filed a reply dated 13.03.2021, stating that they were not parties in O.S.No.821 of 1958 and they do not possess any documents in respect of the disputed properties and they do not have any say relating to the said properties. Contrary to their reply dated 13.03.2021, the legal heirs of the defendants in O.S.No.821 of 1958 have filed a complaint dated 07.04.2021 before the 1st respondent as against the petitioner and several others, stating that fake documents were registered fraudulently and names were included illegally in patta in respect of certain lands. In pursuance of the said complaint, the 2nd respondent, vide proceedings dated 16.09.2021 in Na.Ka.No.2194/A5/2021, called for enquiry. Hence, challenging the said enquiry call notice, the present Writ petition is filed.

4. The learned counsel appearing for the petitioner submitted that, the present impugned enquiry call notice was issued based on the complaint dated 07.04.2021 made by the respondents 3 to 10 before the 1st respondent, as against the petitioner and several others. Though the respondents 3 to 10 filed a reply dated 13.03.2021, stating that, they do not have any say with regard to the properties in decree in O.S.No.821 of 1958, filing a complaint dated 07.04.2021 before the 1st respondent, contrary to their own reply is not sustainable. He further submitted that, the only grievance of the petitioner is that, the 2nd respondent has no power to decide upon the title in between the parties and the same can be decided only before the competent Civil Court. However, he has no grievance for entertaining the said complaint and passing appropriate order in terms of Section 68(2) of the Registration Act.

5. The learned counsel appearing for the respondents submitted that, the petitioner has filed this Writ petition challenging the enquiry call notice issued by the 2nd respondent in Na.Ka.No.2194/A5/2021 dated 16.09.2021. However, he fairly submitted that, this Court may issue direction to the 2nd respondent to consider the complaint and pass orders on the same in terms of section 68(2) of Registration Act, after providing opportunity of hearing to the petitioner and the private respondents.



6. Heard the arguments advanced on either side.

7. In view of above, this Court without interfering with the impugned notice, issues direction to the 2nd respondent to conclude the enquiry and pass appropriate orders in terms Section 68(2) of the Registration Act, within a period of twelve weeks, after providing opportunity of hearing to the petitioner and the private respondents.

8. This Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skt
To

1. The Deputy Inspector General of Registration,
1st Floor, Kamaraj Road,
Red Fields, Puliakulam,
Coimbatore-641 018.

2. The District Registrar (Administration),
No.1/529, Neriperichal Village,
Pulavapatti Post, Tiruppur-641 602.

+1cc to M/s.K.Sathyabal, Advocate Sr.28074
+1cc to Mr.I.Abrar Md.Abdullah, Advocate Sr.28419
+2cc to Mr.P.Valliappan, Advocate Sr.28264
+1cc to the Government Pleader Sr.28894

W.P.No.21976 of 2021
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srg 10/05/2022