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W.P.No.5914 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.5914 of 2017
and W.M.P.No.6330 of 2017

B.Sampath

... Petitioner

Vs

1.The Inspector General of Registration,
Santhom High Road,
Chennai – 600 028.

2.The District Registrar,
District Registrar Offices,
Namakkal & District.

3.Muralikrishna

4.V.Sakthivel

5.G.Manimaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate action against the 3rd, 4th and 5th respondents under Section 81, 82 and 83 of Registration Act, 1908 and other applicable provisions in any other Act or Acts including disciplinary action against the 3rd respondent, in accordance with the law in respect of the complaint dated 14.03.2016 and 19.03.2016 made to the respondents 1 and 2.



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For Petitioner : Mr.T.Sundaranathan

For Respondents : Mr.E.Vijay Anand for RR1 & 2
Additional Government Pleader
: R3 – Tapal return
: R4 and R5 – no appearance

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to take appropriate action against the 3rd, 4th and 5th respondents under Section 81, 82 and 83 of Registration Act, 1908 and other applicable provisions in any other Act or Acts including disciplinary action against the 3rd respondent, in accordance with the law in respect of the complaint dated 14.03.2016 and 19.03.2016 made to the respondents 1 and 2.

2.The case of the petitioner is that the petitioner is in urgent need of money, he approached his relative namely one Manimaran/ 5th respondent for mortgage of a sum of Rs.4,00,000/- (Rupees Four Lakhs only). The petitioner offered undivided share of the joint family property which worth about Rs.1,00,00,000/- (Rupees One Crore only). However, instead of executing a



mortgage deed, he compelled the petitioner to execute a Sale Agreement along with a Power of Attorney. Believing the words of the 5th respondent, the petitioner executed a Sale Agreement registered as Doc.No.3870 of 2015 dated 11.08.2015 and executed a Power of Attorney registered as Doc.No.3871/2015/IV on the same day before the SRO, Rasipuram. Thereafter, in the year 2015, the petitioner approached the 5th respondent for repaying/ detachment of the said loan along with interest for cancellation of the Sale Agreement and also the Power of Attorney executed by the petitioner in favour of the 5th respondent. However, the 5th respondent refused to receive the loan amount and forced the petitioner to sell the joint family property and thereafter, the petitioner presented a Deed of Cancellation of the Sale Agreement and the Power of Attorney dated 11.08.2015. However, the 3rd respondent refused to register the same on the ground that the original Sale Agreement and the Power of Attorney is required for cancellation. Thereafter, the petitioner sent a legal notice dated 14.03.2016 to 4th respondent stating that the petitioner cancelled the Sale Agreement and the Power of Attorney and requested the 3rd respondent not to entertain the document presented by the 5th respondent. However, no order was passed. Subsequently, the petitioner came to know that the 5th respondent registered a Sale Deed in



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Doc.No.311 of 2016 dated 22.01.2016 before the SRO, Rasipuram, with the help of the 3rd respondent and the same is pending for enquiry under Section 47A of the Registration Act. Thereafter, the petitioner made a complaint in terms of Circular No.67 dated 03.11.2011, the said complaint dated 19.03.2016 to the 2nd respondent for taking action under Sections 81, 82 & 83 of the Registration Act, 1908 and the same were not considered. Hence, the present Writ Petition has been filed.

4.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's complaint dated 14.03.2016 and 19.03.2016 made to the 2nd respondent for taking action under Sections 81, 82 & 83 of the Registration Act, 1908 and pass appropriate orders within a time frame fixed by this Court.

5.Learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that though the petitioner made a complaint in terms of Circular No.67, dated 03.11.2011, however, the said Circular was withdrawn on 20.10.2017.



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6.Considering the facts and circumstances of the case, the petitioner made an application in terms of Circular No.67 dated 03.11.2011, however, the said Circular was withdrawn on 20.10.2017. In view of the above, the prayer sought for in this Writ Petition cannot be granted. However, liberty is granted to the petitioner to work out his remedy in the manner known to law, in view of the amended provisions.

7.With the above observation, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
gba

To
1.The Inspector General of Registration,
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2.The District Registrar,
District Registrar Offices,
Namakkal & District.
Office of Tahsildar,
Chenglepet.



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M.DHANDAPANI,J.

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