



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6690 of 2022

Murugesapandian

.. Petitioner

Vs

1.The District Registrar (Admin),
O/o. The District Registrar (Admin),
Palayamkottai,
situated at Collector Office Campus,
Tirunelveli.

2.The Sub-Registrar,
O/o. The Sub-Registrar,
Ettayapuram,
Thoothukudi District.

.. Respondents 1 & 2

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to initiate the criminal proceedings against the persons involved in the crime as mentioned in the impugned order of the 1st respondent in Na.Ka.No.4013/A5/2021, dated 03.12.2021, within a stipulated time as prescribed by this Court.

For Petitioner

: Mr.S.Saravanan

For Respondents

: Mr.S.Shanmugavel

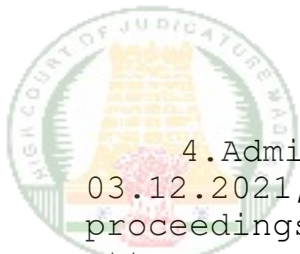
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to initiate criminal proceedings against the persons who were involved in the crime as mentioned in the order, dated 03.12.2021, passed by the first respondent.

2.The petitioner had earlier given a complaint regarding the fraudulent execution of power of attorney, dated 09.07.2020 and sale deed, dated 14.07.2020. Based on the said complaint, the first respondent passed an order, dated 03.12.2021, under Section 83 of the Registration Act, directing the second respondent to initiate criminal proceedings against the persons involved in getting the aforementioned documents registered. The petitioner's grievance in this writ petition is that despite the order of the first respondent, dated 03.12.2021, till date, no criminal proceedings has been initiated against the persons involved in the crime.

3.Heard Mr.S.Saravanan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



4. Admittedly, the first respondent has passed an order, dated 03.12.2021, directing the second respondent to initiate criminal proceedings against the persons involved in getting the power of attorney dated 09.07.2020 and sale deed, dated 14.07.2020, registered. According to the first respondent, the aforementioned deeds are fraudulent Deeds. Admittedly, till date, no criminal proceedings has been launched by the second respondent, pursuant to the directions given by the first respondent in his order, dated 03.12.2021. The petitioner seeks for implementation of the said order.

5. No prejudice will be caused to the respondents, if the order passed by the first respondent, dated 03.12.2021, is implemented as the same has attained finality.

6. For the foregoing reasons, this Court directs the second respondent to initiate criminal proceedings against the persons, who were involved in the crime and implement the order, dated 03.12.2021, passed by the first respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

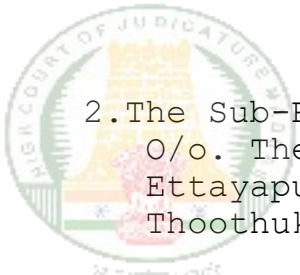
Sub Assistant Registrar(CS)

TM

Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.*

To

1. The District Registrar (Admin),
O/o. The District Registrar (Admin),
Palayamkottai,
situated at Collector Office Campus,
Tirunelveli.



2.The Sub-Registrar,
O/o. The Sub-Registrar,
Ettayapuram,
Thoothukudi District.

+1 CC to M/s.S. SARAIVANAN, Advocate (SR-17846[F] dated 11/04/2022)

W.P. (MD)No.6690 of 2022
11.04.2022

GM(CO)
KB(27.04.2022) 3P 4C