



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6682 of 2022

WEB COPY

Pethaiah

.. 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.4412/A5/2021, dated 14.12.2021, within a stipulated time as prescribed by this Court.

For Petitioner : Mr.S.Saravanan
For Respondents : Mr.J.John Rajadurai
Government Advocate

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 14.12.2021, passed by the first respondent.

2.The petitioner had earlier given a complaint regarding the fraudulent execution of power of attorney deed, dated 10.08.2020 and sale deed, dated 19.08.2020. Based on the said complaint, the first respondent passed an order, dated 14.12.2021, under Section 83 of the Registration Act, directing the second respondent to initiate criminal proceedings against the persons involved in getting the aforementioned sale deeds registered. The petitioner's grievance in this writ petition is that despite the order of the first respondent, dated 14.12.2021, 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.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

4.Admittedly, the first respondent has passed an order, dated 14.12.2021, directing the second respondent to initiate criminal proceedings against the persons involved in getting the power of attorney deed dated 10.08.2020 and sale deed, dated 19.08.2020, 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 14.12.2021. 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 14.12.2021, 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 14.12.2021, 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 (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

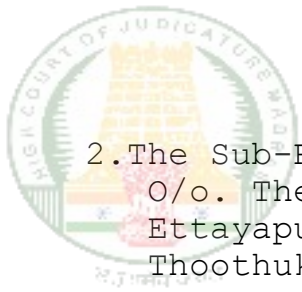
TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



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

WEB COPY

+1 CC to M/s.S. SARAIVANAN, Advocate (SR-17847[F] dated 11/04/2022)

W.P. (MD) No. 6682 of 2022

11.04.2022

GM(CO)

GC(05.05.2022) 3P 4C