



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.7293 of 2022

Chellappan

.. Petitioner

Vs

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar (Administration),
Registration Department,
Registrar Office, Trichy.

3.The Sub Registrar,
Kattuputhur Sub Registrar's Office,
Trichy District.

4.Muthayeammal

5.Rukumani

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to initiate criminal prosecution under Sections 82 and 83 of Registration Act against the 4th and 5th respondents herein as per the order of the 2nd respondent, dated 22.07.2021, based upon the representation of the petitioner, dated 20.01.2022.

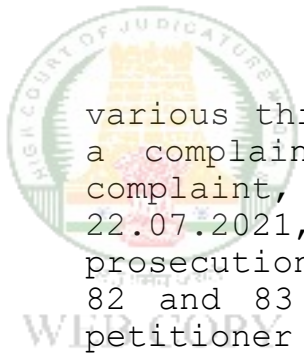
For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.J.John Rajadurai for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to initiate criminal prosecution as per the provisions of Sections 82 and 83 of the Registration Act, against the fourth and fifth respondents, pursuant to the order, dated 22.07.2021, passed by the second respondent based on the representation of the petitioner, dated 20.01.2022.

2.The case of the petitioner is that he had purchased a property from the fourth and fifth respondents under a sale deed, dated 14.06.1995. According to him, subsequent to the purchase, the fourth and fifth respondents have once again sold the very same property under the sale deeds, dated 17.03.2003 and 08.02.2017 to



various third parties. In such circumstances, he had earlier given a complaint to the official respondents. Acting upon the said complaint, the second respondent has passed an order, dated 22.07.2021, directing the third respondent to initiate criminal prosecution against the fourth and fifth respondents under Sections 82 and 83 of the Registration Act. It is the contention of the petitioner that despite the said order, till date, no criminal prosecution has been lodged against the fourth and fifth respondents by the third respondent. The petitioner has also given a representation on 20.01.2022 for the said purpose. Since his representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.S.Gokul Raj, learned counsel appearing for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

4. On instructions, the learned Government Advocate, appearing for the respondents 1 to 3 would submit that based upon the order, dated 22.07.2021, passed by the second respondent, the third respondent has addressed two letters to the Sub Inspector of Police, Kattuputhur Police Station, Tiruchirappalli District, requesting him to register an FIR against the 4th and 5th respondents. But till date, no FIR has been registered despite the reminder letters sent by the third respondent. The said statement is recorded.

5. No prejudice will be caused to the respondents, if a direction is issued by this Court to the third respondent to follow up with the concerned Sub Inspector of Police, Kattuputhur Police Station, for registering an FIR against the 4th and 5th respondents, pursuant to the order, dated 22.07.2021, passed by the second respondent as per the provisions of Sections 82 and 83 of the Registration Act. It is for the Registration Department to prosecute a person in case he is found to have executed a fraudulent document. Therefore, it is the responsibility of the third respondent to see that effective criminal prosecution is lodged against the 4th and 5th respondents, pursuant to the order, dated 22.07.2021, passed by the second respondent. The petitioner has already given a representation on 20.01.2022, to the official respondents for the said purpose. Sending reminder letters alone is not enough. The third respondent will have to effectively implement the order, dated 22.07.2021, passed by the second respondent by effectively getting an FIR registered against the 4th and 5th respondents before the concerned police station. Being a statutory Act, it is the responsibility of the third respondent to see to it that an FIR is registered against the 4th and 5th respondents.

6. For the foregoing reasons, this Court directs the third respondent to approach the Sub Inspector of Police, Kattuputhur Police Station, Tiruchirappalli District and see to it that an FIR is registered against the 4th and 5th respondents, pursuant to the

order, dated 22.07.2021, passed by the second respondent, which has been passed under Sections 82 and 83 of the Registration Act. This Court directs the third respondent to effectively implement the order, dated 22.07.2021, passed by the second respondent under Sections 82 & 83 of the Registration Act, within a period of two months 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 (Records)

// 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 Inspector General of Registration,
Registration Department,
Chennai.
2. The District Registrar (Administration),
Registration Department,
Registrar Office, Trichy.
3. The Sub Registrar,
Kattuputhur Sub Registrar's Office,
Trichy District.

+1 CC to M/s.S. GOKULRAJ, Advocate (SR-19519[F] dated 19/04/2022)

W.P. (MD)No.7293 of 2022

19.04.2022

MGJ(12.05.2022) 3P 5C