



W.P.(MD).No.13844 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.13844 of 2020

S.Madasamy @ Mayil Madasamy

... Petitioner

vs.

1.The District Registrar,
Registration Department,
District Collector Office Campus,
Palayamkottai,
Tirunelveli.

2.The Sub Registrar,
O/o.the Sub Registrar,
Thisayanvilai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to verify and remove the wrong entries pertaining to the survey no.648/1A of Sanganakulam village, Vijayanarayanapuram village group-III, Thisayanvilai Taluk, Tirunelveli District from the objectionable land entry register on the file of the second respondent based on petitioner's representation, dated 02.09.2020 and 17.09.2020.



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W.P.(MD).No.13844 of 2020

For Petitioner : Mr.Raja. Karthikeyan
For Respondents : Mrs.S.Jayapriya
Government Advocate

ORDER

This Writ Petition has been filed for issuance of writ of mandamus, directing the respondents 1 & 2 to verify and remove the wrong entries pertaining to the survey no.648/1A of Sanganakulam village, Vijayanarayanapuram village group-III, Thisayanvilai Taluk, Tirunelveli District from the objectionable land entry register on the file of the second respondent based on petitioner's representation, dated 02.09.2020 and 17.09.2020.

2. The case of the petitioner is that the petitioner had purchased land in survey no.648/1A of Sanganakulam village, Vijayanarayanapuram village group-III, Thisayanvilai Taluk, Tirunelveli District from one Saraswathy vide document no.2418 of 2018. His wife purchased land from his vide document no.2417 of 2018 on the file of Sub-Registrar, Thisayanvilai. He has obtained encumbrance certificate for the both land in same survey number from the year 1975 to till date. There is no third party entry in the registration department ledgers-index



W.P.(MD).No.13844 of 2020

II. But the second respondent/Sub-Registrar informed that there was communication from the SEBI, Mumbai with regard to the proposal for attachment of properties of TSL Company at Sanganakulam Village, Vijayanarayanam group-III, Thisayanvilai Taluk, Tirunelveli District. The petitioner was permitted to inspect/peruse SEBI proceedings for attachment in the Vijayanarayanam group-III, Thisayanvilai Taluk, Tirunelveli District. On careful perusal, the petitioner's land in survey no. 648/1A of Sanganakulam Village, Vijayanarayanapuram village group-III is not coming under the SEBI proceedings for attachment. On verification of SEBI proceedings and ledgers at the office of the second respondent, the survey no.648/1B of Sanganakulam Village, Vijayanarayanam group-III is coming under the SEBI proceedings. But, the second respondent has wrongly entered his land in survey no.648/1A and his wife land in survey no.648/1A as objectionable land in the second respondent's office register as per the SEBI proceedings. Hence, he requested the second respondent on 02.09.2020 to verify and remove the wrong entry in the second respondent's office objectionable land register with regard to his land and his wife land. There is no response on the part of the second respondent, once again he gave a representation on 17.09.2020 to the respondents 1 & 2. But till date, the respondents



W.P.(MD).No.13844 of 2020

have not taken any steps on the representations of the petitioner. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. The respondent filed counter affidavit and stating that the above said properties are involved in the criminal case under investigation by the Central Bureau of Investigation. The CBI has given a letter No.2000 Rc BDI/2014E/0004/CBI/BS & FC/New Delhi, dated 14.05.2018 to the Inspector General of Registration and he in turn has issued a letter to the first respondent, District Registrar, Tirunelveli requesting not to register any document with regard to these properties by referring and relying upon the said CBI letter dated 14.05.2018. Therefore, the request of the petitioner cannot be complied with.

4. The Hon'ble Justice (Retd) R.M.Lodha Committee (in the matter of PACL Ltd.,) has directed that before registration of any documents relating to this property in para-1 of the letter dated 21.06.2019 they insisted that prior permission/No Objection certificate before effecting registration/Mutation/Sale of the properties of PACL Limited as and its associates should be asked to be produced by the person who seeks



W.P.(MD).No.13844 of 2020

registration. It also informed that the details of the properties of PACL Limited and its associates falling within your territorial jurisdiction and seized by the CBI were produced vide letter dated August 30, 2016 and May 30, 2017 to the Registration office and after receipt of the same Registration can be considered and not otherwise as insisted by CBI and Supreme Court of India and those documents must be examined and registration not done. The survey number 648/1A in Sangankanakulam village, Vijanarayanapuram village group-III, Thisayanvilai Taluk, Tirunelveli District mentioned in the prayer column in the petitioner and in the CBI case under investigation are one and the same. In spite of all these material objection raised by the CBI, the Inspector General of Registration and the justice Lodha Committee report, the request of the petitioner is not maintainable in this writ petition.

5. On going through the instructions given by the learned Additional Government Pleader, it is seen that the Hon'ble Supreme Court, by an order dated 02.02.2016 in C.A.No.13301 of 2015 and connected matters directed the Securities and Exchange Board of India (SEBI) to constitute a Committee under the Chairmanship of Justice (Retd.) R.M.Lodha, Former Chief Justice of India. In compliance, a



W.P.(MD).No.13844 of 2020

Committee has been constituted by SEBI under the Chairmanship of Justice (Retd.) R.M.Lodha, former Chief Justice of India (the 'Committee') for disposing of the properties of PACL Ltd., so that the sale proceeds can be paid to the investors. Thereafter, by an order dated 25.07.2016, in an application filed by SEBI in C.A.No.13301/2015, directed the PACL and /or its Directors / Promoters / agents / employees /group and / or associate companies be restrained from selling / transferring / alienating any of the properties wherein PACL has, in any manner, a right interest situated either within or outside India.

6. In view of the foregoing, the properties owned by PACL or wherein PACL Ltd., or any of its associates /subsidiaries have any interest / right, directly or indirectly cannot be transferred / alienated without the permission of the Hon'ble Supreme Court pursuant to recommendation of the Committee. Further, the Encumbrance Certificate (EC) procured from the website of Department of Registration, Tamil Nadu for the aforesaid properties (Survey No.) falling under your jurisdiction also indicate that registration of transaction has taken place on 2016 and / or later. It is also informed that the Committee has appointed Shri R.S.Virk, (Retd.) District Judge for hearing the objections



W.P.(MD).No.13844 of 2020

/ representations in respect of the work being undertaken by the PACL Committee. The Hon'ble Supreme Court has been intimated of the appointment of Shri.R.S.Virk (Retd.) District Judge and vide order dated 15.11.2017, the Hon'ble Supreme Court has taken the view that all applicants put up their cases before Shri R.S.Virk (Retd.) District Judge.

7. On perusal of the records, it is seen that the Survey number of the petitioner's land is 648/1A is under investigation by CBI. Hence, the petitioner has to approach the competent authority and not before this Court. Accordingly, this Writ Petition is disposed of. No costs.

17.11.2022

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To

1.The District Registrar,
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2.The Sub Registrar,
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W.P.(MD).No.13844 of 2020

V.BHAVANI SUBBAROYAN,J.

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W.P.(MD).No.13844 of 2020

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