



W.P.(MD)No.22388 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22388 of 2022

K.Karuppaiah

.. Petitioner

Versus

1.The District Registrar (Administration),
District Registrar Office,
58/1, Cutchery Road,
Virudhunagar – 626 001.

2.The Sub-Registrar,
Sub-Registrar Office,
Mangapuram,
Srivilliputhur – 626 125,
Virudhunagar District.

3.M.Suresh
4.M.Irullappan
5.K.Ramuthai
6.A.Ganesan
7.Kannan
8.K.Vairavan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to complete the enquiry and pass order in respect of the enquiry under Na.Ka.No. 1851/Aa4/2022, dated .06.2022, on his file in connection with Document No. 8939/2010, dated 16.12.2010, on the file of the second respondent, within a stipulated period that may be fixed by this Court.



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For Petitioner : Mr.D.Gnanasekaran
For Respondents 1 and 2: Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to direct the first respondent to complete the enquiry and pass orders in respect of the enquiry under Na.Ka.No.1851/Aa4/2022, dated .06.2022, on his file, in connection with Document No.8939/2010, dated 16.12.2010, on the file of the second respondent, within a time frame.

2.Heard Mr.D.Gnanasekaran, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, on 21.06.1999 he purchased a Punja land, measuring an extent of 0.20.0 Hectares, situated at Survey No.421/2A5, Venkateshwarapuram, Srivilliputhur SR Circle, Virudhunagar RD, vide Document No.2233/1999, on the file of the second respondent. Thereafter, on 28.06.2022, he settled the property in favour of his daughter namely, Eswari, by way of settlement deed, vide Document No.4449/2022, on the file of the



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second respondent. Now, the petitioner's daughter is in possession and enjoyment of the said property and the Patta and other revenue records are yet to be changed to her name.

4.In the year 2010, the petitioner came to know that the fifth respondent had fraudulently registered a sale deed in favour of one Marimuthu in respect of the above property, vide Document No.5050/2003, dated 21.11.2003, on the file of the second respondent. Further, in a fraudulent manner, the respondents 3 and 4 purportedly representing Srinivasagaperi Devendrakula Velalar Uravinmurai, has registered a fraudulent sale deed in respect of the same property in favour of the fifth respondent, vide Document No.8939/2010, dated 15.12.2010, on the file of the second respondent and the respondents 6 to 8 stood as witnesses in the said fraudulent document.

5.Further, the fifth respondent registered a cancellation deed, vide Document No.9208/2010, dated 31.12.2010, on the file of the second respondent, thereby, cancelling Document No.5050/2003, dated 21.11.2003, by which, the fifth respondent had fraudulently sold the property to the said Marimuthu. All the registrations have been reflected in the Encumbrance Certificate, dated 20.04.2021.



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6.Immediately, after coming to know about the fraudulent registrations, the petitioner lodged a complaint under Sections 465, 468, 471 and 109 of I.P.C. against the respondents 3 to 8 before the Virudhunagar District Crime Branch, vide Crime No.7 of 2011, and the same was taken on file as C.C.No. 176 of 2011 and the learned Judicial Magistrate No.II, Virudhunagar, acquitted the accused stating that the complaint of the petitioner is civil in nature and whether the documents already registered are forged or not, can only be decided by a competent civil court.

7.In respect of certain properties including the petitioner's property, one S.Mariappan and three others filed O.S.No.192 of 2011, before the Principal Sub-Court, Srivilliputhur, against the petitioner and six others, for injunction, restraining the petitioner from selling the property and the same was dismissed for default on 16.12.2021.

8.Further, according to the petitioner, Document No.8939/2010, dated 16.12.2010, which has been registered fraudulently in favour of the fifth respondent, is still existing, as reflected in the Encumbrance Certificate. Therefore, the petitioner submitted a petition on 28.03.2022 before the first respondent, requesting him to cancel the said document. The first respondent did not take any action. Therefore, the petitioner sought for information under



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the Right to Information Act, vide application dated 03.05.2022. Thereafter, the first respondent issued a notice dated .06.2022 to the petitioner as well as to the respondents 3 to 8, thereby calling them to attend an enquiry on 29.06.2022 at 04.00 pm. at District Registrar Office, Virudhunagar. The enquiry was conducted on the said date, but so far, no order has been passed. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

9.The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that appropriate orders will be passed by the authorities concerned within the time specified by this Court.

10.In view of the above said submission, this Court, without going into merits of the case, directs the first respondent to pass appropriate orders based on the enquiry made in respect of the petitioner's petition/representation, dated 28.03.2022, submitted in respect of cancelling the document in question, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.



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11. With the above direction, this Writ Petition is disposed of. No costs.

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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.22388 of 2022