



W.P.(MD)No.25478 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25478 of 2022
and
W.M.P.(MD)No.19556 of 2022

M.Murugan

.. Petitioner

Versus

1.The District Registrar,
O/o. the District Registrar,
Trichy.

2.The Sub-Registrar,
O/o. the Sub-Registrar,
Srirangam,
Trichy.

3.Rathinam, S/o.Karuppan
4.Lellavathy Ammal, W/o.Chellaiah
5.S.Murugan, S/o.Saivaraj
6.Mookkan, S/o.Vaithi
7.Seerangayi, W/o.Palaniyandi
8.Karunakaran, S/o.Palaniyandi
9.Paramayi, W/o.Karuppan
10.Sathasivam, S/o.Chellaiah
11.Lokambal, W/o.Arumugam
12.Selvakumar, S/o.Arumugam
13.V.Venkatesan, S/o.Vadamalai
14.T.M.Muthu, S/o.Late.Maruthanayakam Pillai

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records



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relating to the order issued by the first respondent, in his proceedings in Na.Ka.No.6805/Aa4/2018, dated 26.08.2022, quash the same and consequently, direct the first respondent to cancel the sale deed as per the complaint submitted by the petitioner to the first respondent, dated 04.06.2018, in accordance with Section 77-A of the Registration Act, 1908, within a time frame to be stipulated by this Court.

For Petitioner : Mr.N.Sankar Ganesh
For Respondents 1 and 2: Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the first respondent, vide his proceedings in Na.Ka.No.6805/Aa4/2018, dated 26.08.2022, and consequently, direct the first respondent to cancel the sale deed as per the complaint of the petitioner, dated 04.06.2018, in accordance with Section 77-A of the Registration Act, 1908, within a time frame.

2. Heard Mr.N.Shankar Ganesh, 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 the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this

Writ Petition, notice to the respondents 3 to 14 is dispensed with.

4. According to the petitioner, his forefathers owned agricultural property, measuring an extent of 3 Ares and 20 Cents in Survey Nos.27/1, 27/2 and 27/4, situated at Ayyampalayam Village, Mannachanallur Taluk, which was originally settled in favour of one Mookkan/sixth respondent and individual Patta No.1513 was issued in his favour and he left to Srilanka for his avocation and the land was in possession and enjoyment of the grandparents and the father of the petitioner and subsequently, after the demise of the above said elders, the petitioner is in possession and enjoyment of the land.

5. The petitioner submitted that during the year 2009, when he was in the process of cutting the trees in the said land, the fifth respondent herein interfered and claimed that he purchased the property from the sixth respondent. Thereafter, on enquiry with the Sub-Registrar Office, the petitioner came to know that one Periyasamy impersonated as the sixth respondent and had sold the property to the fifth respondent, who in turn, transferred the title to other private respondents in the Writ Petition.



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6. The petitioner further submitted that the owner of the land namely, Mookkan, S/o.Vaithi, died in the year 1980, however, the present sale was effected by the said Periyasamy in connivance with the fifth respondent and other transfers were taken place in the year 2007. Immediately, the petitioner approached the son of the above said Mookkan namely, Siyyan, who executed a Power of Attorney from Srilanka in favour of the petitioner to handle the legal issues and the property. The petitioner filed a complaint before the Mannachanallur Police Station, who failed to take any action. Subsequently, pursuant to the direction of the jurisdictional Magistrate, an F.I.R. was registered in Crime No.15 of 2010 by the District Crime Branch, Trichy, against the said Periyasamy, Murugan and seven others for the offences punishable under Sections 419, 420, 465 and 468 of I.P.C.

7. The petitioner further submitted that the fifth respondent preferred Crl.O.P.(MD)No.2694 of 2013 before this Court and the same dismissed on 03.04.2017. However, due to the inaction on the part of the Police in filing the final report, the petitioner moved a direction petition in Crl.O.P.(MD)No. 15194 of 2017 and the same was allowed on 09.11.2017 with a direction to the Inspector of Police, DCB, Trichy, to file the final report, within three months from the date of receipt of a copy of that order. The District Crime Branch,



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Trichy, has not chosen to file the final report within the time limit prescribed, which constrained the petitioner to file a contempt petition in Cont.P.(MD)No. 30 of 2019 before this Court and thereafter, charge sheet was filed and the case was taken on file by the learned Judicial Magistrate No.III, Trichy, in C.C.No. 529 of 2019 for the offences punishable under Sections 417, 419 read with Sections 34 and 109 of I.P.C. and the same is pending trial.

8. The petitioner further submitted that during the time of investigation by the Inspector of Police, District Crime Branch, Trichy, he forwarded a requisition to cancel the sale deed entered between the impersonated persons and others, dated 27.01.2009 and he has also submitted a detailed representation dated 04.06.2018, before the first respondent to cancel the above said sale deed. Subsequently, the petitioner was directed by the first respondent to appear before him for enquiry on 26.04.2019, vide his proceedings dated 23.04.2019. Accordingly, the petitioner appeared before him and submitted all the relevant documents along with written statement. The petitioner has also submitted a representation to the Inspector General of Registration on 26.09.2019. Subsequently, the first respondent, vide his proceedings, dated 18.11.2019, informed that the petitioner's case would be disposed of within a short period. However, till date, the first respondent has not passed any orders, which constrained the petitioner to send an application



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under the Right to Information Act. Thereafter also, no steps were taken.

Hence, he filed W.P.(MD)No.8724 of 2022 before this Court, seeking a direction to the first respondent to complete the enquiry and pass final orders as per his proceedings, dated 23.04.2019, on the representation of the petitioner, dated 04.06.2018, in accordance with Section 77-A of the Registration Act, 1908. This Court, vide order dated 29.04.2022, while disposing of the said Writ Petition, directed the first respondent to pass final orders pursuant to his proceedings, dated 23.04.2019, after affording a fair hearing to the petitioner and the parties to the four sale deeds and other necessary parties, if any, within a period of twelve weeks from the date of receipt of a copy of that order. Pursuant to the said order, the first respondent passed an order dated 26.08.2022, dismissing complaint of the petitioner, which is under challenge in the present Writ Petition.

9. On a perusal of the impugned order passed by the first respondent, dated 26.08.2022, it is seen that the petitioner was not in a position to prove the impersonation and therefore, the first respondent directed him to approach the competent Civil Court for redressing his grievance and against the said order, there is an appeal remedy available to him to file an appeal before the Deputy Inspector General of Registration, Kajamalai, Mannarpuram, Trichy – 620 020, within a period of 60 days.



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10. Though the petitioner has got two options either to go before the appellate authority or to knock the doors of the Civil Court, he has not chosen to do so. However, he filed the present Writ Petition, seeking to quash the said order passed by the first respondent. Therefore, this Court is not inclined to interfere with the order of the first respondent, dated 26.08.2022.

11. At this juncture, the learned counsel appearing for the petitioner submitted that the limitation period is getting over today and prayed for giving him an opportunity to file an appeal by condoning the delay.

12. Without following the procedures, the petitioner, who seems to be an illiterate, has straightaway filed the present Writ Petition and knocked the doors of this Court, challenging the order passed by the first respondent, dated 26.08.2022. Therefore, this Court gives liberty to him to file an appeal within a period of two weeks from today and the same has to be accepted by the appellate authority and to pass orders on merits after affording an opportunity to all the parties concerned.

13. This Writ Petition stands dismissed with the above observations and directions. No costs. Consequently, connected Miscellaneous Petition is closed.

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<https://www.mhc.tn.gov.in/judis>



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Note:- (i) Issue order copy on 11.11.2022

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(ii) Registry is directed to return the original impugned order to the learned counsel for the petitioner after getting acknowledgment in the photocopy of the same.

To

1.The District Registrar,
O/o. the District Registrar,
Trichy.

2.The Sub-Registrar,
O/o. the Sub-Registrar,
Srirangam,
Trichy.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD)No.25478 of 2022

10.11.2022