



W.P.No.5478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5478 of 2023

R.Hariprasad

... Petitioner

Vs.

1. The District Registrar (Admin),
Central Chennai, (Assistant Inspector General of Registration i/c),
Bharathi Salai,
Royapettah, Chennai- 14.

2. The Sub – Registrar,
Villivakkam, Chennai.

3. The Assistant Commissioner of Police,
Central Crime Branch, Red Hills,
Avadi, Chennai-600 052.

... Respondents

(R3 impleaded vide order dated 10.04.2023 made
in WMP.8204/2023 in WP.5478/2023 by MSRJ)

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to initiate appropriate action under Section 83 of the Registration Act, 1908 based on the proceedings of the 1st respondent made in Na.Ka. No.12280/ A2 /2021 dated 14.07.2022 within a time frame.



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For Petitioner : Mr.P.K.Harinath Babu
For Respondents :
(for R1 to R3) : Mr.D.Ravichander, Spl.G.P.

ORDER

The relief sought in the present writ petition is to direct the 2nd respondent to initiate the appropriate action under Section 83 of the Registration Act, 1908, based on the proceedings of the 1st respondent made in Na.Ka. No.12280/ A2 /2021 dated 14.07.2022 within a time frame.

2.The learned counsel for the petitioner states that the original owner of the subject property preferred a complaint before the District Registrar under Section 77 (A) of the Act to cancel the document. The complaint was filed based on the circular issued by the Government to cancel the sale deed stood in favour of the petitioner.

3.The District Registrar, Central Chennai, conducted an inquiry and passed an elaborate order in proceeding dated 14.07.2022. The order reveals that the subject document was registered by way of impersonation



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and fraud. Pursuant to the finding made by the District Registrar, an action was directed to be initiate under the criminal law, more specifically as contemplated under Section 83 of the Registration Act. The grievances of the writ petitioner is that no such action was initiated nor any investigation was conducted.

4.The learned Special Government Pleader made a submission that the actions are yet to be initiated and as per the provisions of the Act, the Police authorities have to conduct an investigation for the purpose of culling out the truth. Since the District Registrar, Central Chennai, conducted an elaborate adjudication and made a finding that there was an offence of impersonation and fraud in the matter of registration of document, investigation in this regard is to be undertaken by the competent police authorities.

5.Accordingly, the 3rd respondent Assistant Commandant of Police, Central Crime Branch, Avadi, is directed to register a criminal case based on the orders passed by the District Registrar Administration, Central Chennai, in proceeding Na.Ka. No.12280/A2/2021 dated 14.07.2022 and accordingly proceed with the investigation in the manner contemplated



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under law within a period of 4 weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

28.06.2023

To

1. The District Registrar (Admin),
Central Chennai, (Assistant Inspector General of Registration i/c),
Bharathi Salai,
Royapettah, Chennai- 14.
2. The Sub – Registrar,
Villivakkam, Chennai.
3. The Assistant Commissioner of Police,
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S.M.SUBRAMANIAM. J.,

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