



W.P.No.33031 of 2015

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED:07.07.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**W.P.No.33031 of 2015**

1. K.F.Khaleel  
2. Fasulur Rahman ... Petitioners

**Vs.**

1. The District Registrar,  
Office of the District Registrar  
Krishnagiri,  
Krishnagiri District.  
2. The Sub Registrar,  
Pochampalli,  
Krishnagiri District  
3. Munusamy  
4. G. Chithra  
5. Radha  
6. Krishnamurthy  
7. Govindaraj  
8. Ramesh  
9. Saravanan  
10. Minor Sumithra  
11.Minor Priya ... Respondents



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**PRAAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records relating to the proceedings of the 1<sup>st</sup> respondent in his office Ref: Mu.Mu.No.6057/VU/2012, dated 01.04.2015, quash the same and direct the respondents 1 and 2 herein cancel/annul the registration of the sale deeds dated 14.10..2005 executed by the respondents 5 to 11 in favour of the 3<sup>rd</sup> respondent and registered as Document No.1366/2005 and 1367/2005 and the sale deed dated 20.07.2012 executed by the 3<sup>rd</sup> respondent in favour of the 4<sup>th</sup> respondent herein and registered as document No.1812/2012 in the office of the Sub Registrar, Pochampalli, in the light of the orders passed by this Court in CrI.O.P.No.31374 of 2015 on 11.12.2014, 17.12.2014 and 01.09.2015 within the time that may be fixed by this Court.

For Petitioner : Mr. P. Mani

For Respondents: Mr.V. Ramesh, Govt. Advocate for R1 & R2  
Mr.E. Kannadasan for R3  
Mr.M.R.Jothimanian for R4  
Mr.S.Manikanan for R5 to R11

### **ORDER**

This Writ Petition is filed challenging the proceedings of the 1<sup>st</sup> respondent dated 01.04.2015 and quash the same and for further direction to



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the respondents 1 and 2 to cancel the registration of the sale deeds 14.10.2015 executed by the respondents 5 to 11 in favour of 3<sup>rd</sup> respondent and also the sale deed dated 20.07.2012 executed by the 3<sup>rd</sup> respondent in favour of 4<sup>th</sup> respondent, in the light of the orders passed by this court in CrI.O.P.No.31374 of 2015 on 11.12.2014, 17.12.2014 and 01.09.2015 within the time fixed by this Court.

2. According to the petitioners, they purchased the lands measuring 0.89 acres in S.No.597/1 and 3.98 acres in S.No.597/3 and 5.13 acres in S.No.598 from the legal heirs of one deceased Venkatasamy and from the date of their purchase, they have been in possession and enjoyment of the same. After purchase, the patta with respect to the said lands has been transferred to their name. Whiles, the 3<sup>rd</sup> respondent, taking advantage of patta which has been wrongly issued in favour of the respondents 5 to 9 during the Updating Resurvey, illegally obtained two sale deeds dated 14.10.2005 from the respondents 5 to 11 herein, as if they are the owners of the said two items of lands. In fact, the mistake committed during Updating



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Resurvey was later rectified by Revenue Divisional Officer, Krishnagiri and thereafter, vide his order dated 21.06.2005, joint patta with respect to the above lands was issued in favour of Saraswathy and others, who are the legal heirs of the original owner Venkatasamy. Thus the 3<sup>rd</sup> respondent knowing fully well that the respondents 5 to 11 have no right or title over the said lands and that the patta wrongly issued to them was duly cancelled by RDO, Krishnagiri, fraudulently created the sale deeds in connivance with the respondents 5 to 9 herein, so as to grab the said lands illegally. The 3<sup>rd</sup> respondent once again committed fraud and created a nominal sale deed dated 20.07.2012 in favour of the 4<sup>th</sup> respondent. Hence the 1<sup>st</sup> petitioner lodged a complaint with the Inspector of Police, District Crime Branch/Prevention of Land Grabbing (Special Cell), Krishnagiri on 12.11.2014 and a case was registered in Cr.No.24 of 2014 against the respondents 2 to 9 for the offences under section 465, 471, 420, 294(b) and 506(ii) IPC. Apprehending arrest, the 3<sup>rd</sup> respondent filed CrI.O.P.No.31374 of 2014, wherein, on 17.12.2014, when the case came up for hearing, he filed an undertaking affidavit to cancel the sale deed executed by him in



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favour of the 4<sup>th</sup> respondent and the same was recorded by this court. In the circumstances, the petitioners jointly submitted a petition before the 1<sup>st</sup> respondent on 05.11.2012 to cancel the said sale deed fraudulently created in favour of the 5<sup>th</sup> respondent by the 3<sup>rd</sup> respondent. However, the 1<sup>st</sup> respondent by the order impugned, rejected the said petition on the ground that the 3<sup>rd</sup> respondent herein gave consent for cancellation of the sale deed and that criminal case in CrI.O.P. No.31374 of 2014 has been pending before this court. Hence, left with no other alternative remedy, the petitioners have come forward with this writ petition seeking to quash the impugned order passed by the 1<sup>st</sup> respondent and for further direction to respondents 1 and 2 to cancel the sale deeds executed by respondents 5 to 11 in favour of 3<sup>rd</sup> respondent and also the sale deed executed by 3<sup>rd</sup> respondent in favour of 4<sup>th</sup> respondent.

3. The learned counsel appearing for the petitioners submitted that the 1<sup>st</sup> respondent, by its proceedings in Mu.Mu.No.6057/VU/2012, dated 1.4.2015, rejected the petitioner's complaint with regard to cancellation of



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the sale deeds executed by Munusamy/3<sup>rd</sup> respondent in Document No.1812 of 2012 and also with regard to other documents executed by the respondents 5 to 11 in favour of the 3<sup>rd</sup> respondent which were registered as document Nos.1366 of 2005 and 1367 of 2005

4. He further submitted that the 3<sup>rd</sup> respondent himself gave an application dated 10.12.2014 to cancel the document No.1812 of 2012 executed by him in favour of 4<sup>th</sup> respondent. Under the circumstances, the 1<sup>st</sup> respondent without conducting enquiry, passed the impugned order dated 01.04.2015 rejecting his application for cancelling Document No.1812/2012. Hence, he seeks to set aside the order passed by the 1<sup>st</sup> respondent on 1.4.2015 in Mu.Mu.No.6057/VU/2012 and also seeks to give further direction to the 1<sup>st</sup> respondent to conduct enquiry, as per section 77-A of the Registration (Tamil Nadu Amendments) Act, which was inserted in pursuance of the Registration (Tamil Nadu Second Amendment) Bill, 2021.



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5. The learned counsel appearing for the respondents 1 and 2 submitted that the parties to the dispute may be permitted to participate in the enquiry conducted by R1.

6. Heard both sides and perused the materials available on record.

7. On perusal of records, it is noticed that the 3<sup>rd</sup> respondent himself gave a letter before the 1<sup>st</sup> respondent/District Registrar, Krishnagiri on 10.12.2014 agreeing to cancel the Document No.1812/2012 and further the 3<sup>rd</sup> respondent in CrI.O.P.No.31374 of 2014 filed before this court seeking anticipatory bail, also filed an affidavit of undertaking that he will cancel the sale deed executed by him in Doc.No.1812 of 2012, dated 20.07.2012 while considering anticipatory bail. But according to the petitioner, so far, the said document was not cancelled. Under these circumstances, the petitioner prays that the impugned proceedings passed by the 1<sup>st</sup> respondent is liable to be set aside and the petition filed by the petitioner seeking cancellation of Document No.1812 of 2012 executed by the 3<sup>rd</sup> respondent in favour of 4<sup>th</sup> respondent is to be restored to the file of the 1<sup>st</sup>



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respondent.

8. Further, it is also to be noted that section 77-A of the Registration (Tamil Nadu Amendments) Act was inserted in pursuance of the Registration (Tamil Nadu Second Amendment) Bill, 2021 which runs as follows;

***“77-A. Cancellation of registered documents in certain cases.— (1) The Registrar, either suo motto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executant and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes.***

***(2) The power under sub-section (1) may also be exercised by the Inspector General of Registration.***

9. In view of the above, the 1<sup>st</sup> respondent/District Registrar, Krishnagiri District is hereby directed to conduct enquiry upon the complaint given by the petitioners dated 5.11.2012 and conduct enquiry on the same in accordance with section 77-A of the Registration (Tamil Nadu



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Amendments) Act, as stated above, after affording fair opportunity to the other respondents 3 to 11 and complete the enquiry and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. No costs.

Index: Yes/No  
Internet: Yes/No  
msr

**07.07.2023**

To

1. The District Registrar,  
Office of the District Registrar  
Krishnagiri,  
Krishnagiri District.
2. The Sub Registrar,  
Pochampalli,  
Krishnagiri District



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**V. SIVAGNANAM, J.,**  
msr

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