



WA No.974 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.K.Easwaramurthy
2.S.Easwari
3.K.Sagunthala
4.K.Saravana Kumar
5.K.Senthil Kumar

.. Appellants

-VS-

1.K.Palanisamy
2.P.Marappan
3.K.Vijayakumar
4.K.Gopalasamy
5.The District Registrar,
Administration,
Registration Department,
Tiruppur.

6.The Joint Sub-Registrar-No.1,
Registration Department,
Tiruppur.

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 13.01.2020 passed in W.P.No.19631 of 2015.



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For the Appellants : Mr.K.Myilsamy
For the Respondents : Mr.K.Govi Ganesan
for RR 1 to 4
: Mr.P.Muthukumar,
State Govt. Pleader for RR 5 and 6

* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Myilsamy, learned counsel for the appellants, Mr.K.Govi Ganesan, learned counsel for respondent Nos.1 to 4 and Mr.P.Muthukumar, learned State Government Pleader, for respondent Nos.5 and 6.

2. The present respondents 1 to 4 had filed the writ petition challenging the order of the District Registrar initiating prosecution purportedly under Section 82 of the Registration Act, 1908. The learned Single Judge allowed the writ petition by setting aside the said action. Aggrieved thereby, the private respondents had filed the present appeal.



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3. The learned counsel for the appellants submits that the writ petitioners were aware of the fact that the property is owned by the present appellants still they had falsely claimed the said property to be theirs. They falsely claimed the property to belong to their grand mother and that their father was the only son and after them, they became the joint owners. The second respondent therein had registered the partition deed.

4. It appears that the present appellants filed a complaint before the first respondent to initiate prosecution against respondents 1 to 4/ original writ petitioners on the ground that the said respondents have illegally and intentionally claimed the property to be theirs. They do not have any right, title or interest in the subject property.

5. The learned Single Judge came to the conclusion that it cannot be said that intentionally false statements were made before the authority. There was no finding to the effect that the original petitioners were aware of the transactions and they intentionally made false statements.



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6. In light of that, the Court set aside the order directing initiation of prosecution against the original writ petitioners. However, left the issue of title open to be adjudicated by the Civil Court.

7. The learned counsel for the original writ petitioners submits that the petitioners have also filed a civil suit on 07.12.2023.

In light of the above, no case for interference is made out. The writ appeal is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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To

1. The District Registrar,
Administration, Registration
Department, Tiruppur.
2. The Joint Sub-Registrar-No.1,
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