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W.P.(MD)NO.6653 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6653 of 2022 AND
W.M.P.(MD)Nos.5135 & 5136 of 2022 & 4855 of 2023

C.Master Ravi Kannan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar.

2. The District Registrar,
Virudhunagar.

3. The Sub Registrar,
Virudhunagar.

4. Srinivasa Perumal

5. Thirumalairaja

6. M.Hariharasuthan

7. Nodal Officer cum Secretary Office of Justice(Retd),
R.M.Lodha Committee,
SEBI Bhavan, Plot No.C-4A, G Block,
Bandra Kurla Complex, Bandra(East),
Mumbai – 400 051.

8. The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(R-8 is *suo motu* impleaded
vide order dated 09.10.2023)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in Na.Ka.No.1320/A4/2022 dated 28.03.2022 and quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen
For R-1 to R-3 : Mr.M.Prakash,
Additional Government Pleader.
For R-7 : Mr.M.P.Senthil.
For R-4,R-5 &
R-6 : No appearance.

* * *

ORDER

The case on hand involves sale of property that is covered by the restraint order passed by the Hon'ble Supreme Court of India in what is known as PACL case. The resolution of the issue had been entrusted by the Hon'ble Supreme Court to the hands of Hon'ble Mr.Justice R.M.Lodha Committee. Without clearance from the said committee, the transactions involving PACL properties cannot be registered. While so, a forged certificate of sale was registered as document No.716 of 2022 on the file of Sub Registrar, Kariapatti. This forgery



came to light, when the District Registrar, Virudhunagar wrote to the seventh respondent. Thereupon, the District Registrar had issued the impugned communication dated 28.03.2022 directing the Sub Registrar, Virudhunagar to lodge a complaint and to register FIR. The name of the petitioner is also mentioned in the impugned communication. Challenging the same, the present writ petition came to be filed.

2. The only question that arises for consideration is whether the certificate of sale dated 24.01.2022 is a forged one. The learned counsel appearing for the Nodal Officer of the Committee categorically asserts that the committee had not issued the certificate of sale which was registered as document No.716/2022.

3. Therefore, the Criminal Law has to be necessarily deployed against the culprits concerned. The learned counsel appearing for the petitioner would argue on technical grounds. I am more than satisfied that when a cognizable offence has been committed, any interested person can set the Criminal Law in motion.



4. Therefore, the impugned communication is sustained.

The second question that arises for consideration is whether the petitioner could have been named as proposed accused. The learned counsel appearing for the petitioner states that the petitioner is a practising lawyer and that he had put an endorsement on the forged document as if he is a document writer. The impleaded respondent shall register FIR without any delay. The petitioner shall not be shown as an accused for the present. Whether the petitioner will figure as an accused or as a witness will depend on the outcome of the investigation. The charge sheet shall be filed within a period of three months by the impleaded respondent. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



WEB COPY



To:

1. The District Collector,
Virudhunagar.
2. The District Registrar,
Virudhunagar.
3. The Sub Registrar,
Virudhunagar.



WEB COPY



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G.R.SWAMINATHAN,J.

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