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W.P.(MD)NO.6604 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6604 of 2022 AND
W.M.P.(MD)No.5102 of 2022

K.Krishnamoorthy

... Petitioner

Vs.

1. The District Registrar,
Tirunelveli District,
Tirunelveli.

2. The Sub Registrar-I,
Tirunelveli Registration Office,
Tirunelveli.

3. P.Navaneetha Krishnan

4.A.Venkatesh

5. D.Sivanu Ammal

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.4644/E2/E4/2021 dated 15.03.2022 and quash the same as illegal.



For Petitioner : Mr.A.Mohan

For R-1 & R-2 : Mr.M.Prakash,
Additional Government Pleader.

For R-3 & R-4 : Mr.K.Essaki

For R-5 : Mr.R.Jenifer Bibin

* * *

ORDER

Heard the learned counsel on either side.

2. The petition-mentioned land appears to be an endowed land. The fifth respondent is an incumbent Akthar (trustee). She had executed lease deed in favour of the petitioner vide document No.425/2021 registered on the file of the second respondent. The other trustees lodged a complaint before the first respondent for notifying the said document as fraudulent. An enquiry was conducted. At the end of the enquiry, the impugned proceedings dated 15.03.2022 came to be issued. The first respondent had directed that in the encumbrance register, the document in question will be



described as fraudulent document. She had also directed the jurisdictional police to register FIR. Challenging the said proceedings, the present writ petition came to be filed.

3. It is beyond dispute that the petition-mentioned land was endowed by one Chithambara Konar way back in the year 1943 (document No.373 of 1943). It is not known as to how the fifth respondent could have on her own dealt with the property. Therefore, *prima facie* I am of the view that the first respondent was justified in characterising the said document as fraudulent. However, it is open to the aggrieved parties to move the jurisdictional civil court for getting declaration that the fifth respondent was authorised to enter into the lease agreement.

4. Considering the facts and circumstances, I am of the view that directing registration of criminal case against the petitioner is not warranted. The learned counsel appearing for the petitioner stated that the petitioner is running a Matriculation School and that the leased land is proposed to be used only as a playground for children. The impugned



order cannot be invoked against the petitioner as far as the criminal case is concerned. In all other respects, it is open to the petitioner to get the findings adjudicated by filing a civil suit. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

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

To:

1. The District Registrar,
Tirunelveli District,
Tirunelveli.
2. The Sub Registrar-I,
Tirunelveli Registration Office,
Tirunelveli.



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G.R.SWAMINATHAN,J.

PMU

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