



W.P.(MD) No.13602 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.13602 of 2021

and

W.M.P.(MD) Nos.10542 and 10543 of 2021

N.Santhana Peer Oli

.. Petitioner

Vs.

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub-Registrar,
Uthumalai Sub Registrar Office,
Uthumalai, Tenkasi District.

3.Ibrahim Moosa

4.M.Abdul Kareem

5.A.Ramakrishnan

6.A.Lakshmanan

7.The Deputy Inspector General of Registration,
Tirunelveli.

.. Respondents

***[R7 – suo motu impleaded vide order dated
24.11.2023 in W.P.(MD) No.13602 of 2021]***



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the impugned Registration made in Doc. Nos.896/2016 and 897/2016 dated 18.05.2016 and consequently direct him to delete the same as fraudulent and illegal registration and thereby direct the 2nd respondent to initiate criminal action against the Respondents 3 to 6 in the light of the proceedings of the 1st respondent in No.343/Aa2/2020 dated 31.10.2020 as well as the order passed by this Court in a similar case in W.P.No.18721 of 2020 dated 15.12.2020 within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.G.Thalaimutharasu
For RR1, 2 & 7	:	Mr.R.Ragavendran Government Advocate
For RR3 & 4	:	Mr.D.Nallathambi
For RR5 & 6	:	Mr.R.Ponkarthikeyan

ORDER

The Deputy Inspector General of Registration, Tirunelveli is *suo motu* added as the 7th respondent in this writ petition.



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Mr.R.Ragavendran, learned Government Advocate takes notice on behalf of the impleaded 7th respondent.

2. This writ petition has been filed challenging the registration of two documents in Document Nos.896 and 897 of 2016, dated 18.05.2016 on the file of the 2nd respondent and for a consequential direction to the 2nd respondent to delete the entries pertaining to these two documents from the records and to initiate criminal proceedings against respondents 3 to 6, in the light of the proceedings of the 1st respondent dated 31.10.2020.

3. The case of the petitioner is that the respondents 3 and 4 fabricated and created sale deeds and thereby, the subject properties were sold in favour of the 5th and 6th respondents through the impugned sale deeds. Aggrieved by the same, the petitioner made a complaint before the 1st respondent. The 1st respondent, through proceedings dated 31.10.2020, held that the documents are vitiated through fraudulent transaction and directed initiation of criminal proceedings under Section 83 of the Registration Act against the private respondents.



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7. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner, Mr.R.Ragavendran, learned Government Advocate for respondents 1, 2 and 7, Mr.D.Nallathambi, learned counsel for respondents 3 and 4 and Mr.R.Ponkarthikeyan, learned counsel for respondents 5 and 6.

8. In the considered view of this Court, an appeal is now pending before the Deputy Inspector General of Registration, Tirunelveli in Appeal No.459 of 2021, filed against the order passed by the 1st respondent through proceedings dated 31.10.2020. In view of the same, the relief as sought for in this writ petition cannot be granted at this stage. The parties will have to be heard by the Deputy Inspector General of Registration, Tirunelveli in the pending appeal and subject to the final orders to be passed in the appeal, it would be left open to the parties to work out their remedy.

9. In view of the above, there shall be a direction to the impleaded 7th respondent-Deputy Inspector General of Registration, Tirunelveli to conduct an enquiry in Appeal No.459 of 2021 by affording opportunity



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to the petitioner and respondents 3 to 6. Final orders shall be passed by the Deputy Inspector General of Registration, Tirunelveli within a period of eight weeks from the date of receipt of a copy of this order. Subject to the final orders to be passed by the Deputy Inspector General of Registration, Tirunelveli, it is left open to the parties to work out their remedy.

10. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

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

ABR



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To

- 1.The District Registrar,
Tenkasi District,
Tenkasi.
- 2.The Sub-Registrar,
Uthumalai Sub Registrar Office,
Uthumalai, Tenkasi District.
- 3.The Deputy Inspector General of Registration,
Tirunelveli.



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N.ANAND VENKATESH, J.

ABR

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Dated : 24.11.2023