



W.P.(MD) No.18951 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18951 of 2021

K.S.Kasimaris Ceramique Pvt Ltd.,
Represented by its Managing Director,
K.S.Anantharaman
No.50, Pulla Avenue,
Shenoy Nagar, Chennai.

... Petitioner

Vs.

- 1.The District Registrar,
Tuticorin District.
- 2.The Sub Registrar,
Kommadikottai Sub Registrar Office,
Tuticorin District.
- 3.The Sub Registrar,
Kayalpattinam Sub-Registrar Office,
Tuticorin District.
- 4.M.Thirunamam
- 5.M.Deepasundaram
- 6.M.Nandini Devi
- 7.P.Sundar
- 8.Sholan R.Selvin



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9.T.Saminathan

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to conduct enquiry with regard to fraudulent registration of Doc Nos. 1435 and 1436 of 2017, 1458 of 2017, 1459 of 2017 and 725 of 2021 registered on the file of the respondents 2 and 3 on the basis of circulars dated 25.04.2012, 31.07.2018 and 09.04.2018 by considering the petitioner's representation dated 01.07.2021 and pass orders on merits in accordance with law within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For R1 to R3 : Mr.M.Prakash
Additional Government Pleader

For R7 & R8 : Mr.M.P.Senthil

For R4, R5 & R6 : No appearance

ORDER

The above writ petition is filed for a direction to the first respondent to conduct enquiry with regard to fraudulent registration of



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Doc Nos. 1435 and 1436 of 2017, 1458 of 2017, 1459 of 2017 and 725 of 2021 registered on the file of the respondents 2 and 3 on the basis of circulars dated 25.04.2012, 31.07.2018 and 09.04.2018 by considering the petitioner's representation dated 01.07.2021 and pass orders on merits in accordance with law within the time fixed by this Court.

2. The petitioner K.S.Kasimaris Ceramique Pvt Ltd., is a registered Company, which was created by deponent's father, Late K.Shanmugasundara Nadar. It is the case of the deponent that his father had purchased several properties in the name of the Company in Maduravoyal, Chennai and Arumuganeri, Thoothkudi District. After his death, a dispute arose amongst the legal heirs, as a result of which, the inflow of rental income was seriously affected and therefore, the management was forced to maintain the properties. The deponent would submit that after death of one of his brothers, namely, K.S.Mothilal, on 10.10.2008, his legal heirs, who have been arrayed as respondents 4 to 6 started to grab the Company properties by creating patta in their names as if the properties belonged to Late K.Shanmugasundara Nadar and not the



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Company. They have consequently alienated the properties fraudulently, in which they have been ably assisted by the second respondent, who has registered the documents without even looking into the parent documents. Therefore, representations were given by the Company calling upon the District Registrar, Tuticorin District, to conduct an enquiry, which was not acted upon. Therefore, the petitioner has come forward with the above writ petition.

3. Heard the the learned counsel appearing on either side.

4. The petitioner Company has come forward with the case that their properties have been alienated by the respondents 4 to 6 fraudulently. Despite giving representations to the authority concerned, no action has been taken by them. Therefore, considering the seriousness of the allegations, which are set out in the affidavit, this Writ Petition is disposed of with a direction to the first respondent to consider the representations of the petitioner dated 01.07.2021 and 21.08.2021 and pass appropriate orders, after affording an opportunity of personal



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hearing to all the interested parties, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. No costs.

18.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The District Registrar,
Tuticorin District.
- 2.The Sub Registrar,
Kommadikottai Sub Registrar Office,
Tuticorin District.
- 3.The Sub Registrar,
Kayalpattinam Sub-Registrar Office,
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P.T.ASHA, J.

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