



W.P.(MD) No.20505 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20505 of 2021
and
W.M.P(MD)No.17138 of 2021

Thoondi

.. Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhom Membalam,
Mullimanager, Manthaivelipakkam,
Chennai-600 028.
- 2.The District Registrar,
Karaikudi,
Sivagangai District.
- 3.The Sub Registrar,
Sub-Registrar Officer
Memisal, Pudukkottai District.
- 4.The Joint Registrar,
Primary Agricultural Co-operative Credit Society,
Near District Collectorate,
Pudukkottai.



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5.The Secretary,
TA61-Adambur Primary Agricultural,
Co-operative Credit Society,
Adambur, Avudaiyarkovil Taluk,
Pudukkottai District.

6.Thoondi

7.Chitra

8.Kumar

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 1, 2 & 4 to take necessary action against the 3rd, 6th to 8th respondents and to cancel the sale deed No.697/2021 & 698/2021 registered by the 3rd respondent based on the petitioner's representation dated 26.10.2021.

For Petitioner	:	Mr.M.Ramu
For R1 to R5	:	Mr.T.Amjadkhan, Government Advocate
For R7	:	Mr.R.J.Karthick
For R6&R8	:	No appearance

ORDER

The writ petitioner has approached this Court by way of this writ petition under Article 226 of the Constitution of India, for a Mandamus directing the respondents 1, 2 & 4 to take necessary action against the 3rd, 6th to 8th respondents and to cancel the sale deed No.697/2021 & 698/2021 registered by the 3rd respondent, by considering the petitioner's representation dated 26.10.2021.



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2.It is the case of the petitioner that he had inherited the properties in S.No.154/12, 121/6A, 124/7, 126/10, 126/6, 14/1D, 160/5, 161/5 and 175/1B, which are all agricultural lands from his father Velu Ambalakarar. He had been in possession and enjoyment of the same and patta which stood in his father's name as Patta No.243 was mutated in his name as Patta No.256. He has been carrying on agricultural activities in the aforesaid lands, without any disturbance and the revenue tax was also paid by the petitioner.

3.In the year 1987, he had mortgaged the said lands to the fifth respondent and 10 years ago, he came to know that the agricultural loan has been waived by the Government of Tamil Nadu and hence, he had approached the fifth respondent and enquired about the waivers scheme. The fifth respondent informed the petitioner that the waiver documents have not been received and it would be received later. Once again, the present Government has announced the waiver scheme for agricultural loan and hence, he once again approached the fifth respondent. Since the conduct of the fifth respondent caused suspicion in the minds of the



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petitioner, he managed to get the encumbrance certificate from the fourth respondent, wherein he came to learn about impersonation done by the respondents 6 to 8. It appears that two sale deeds had been created on 22.09.2021 under Document Nos.697/2021 & 698/2021, regarding the petitioner's agricultural lands in S.Nos.161/5, 148/1B and 160/5. The sixth respondent had in turn created sale deed in favour of the respondents 7 and 8. The petitioner stated that all these documents have been created fraudulently and therefore, he made a representation to the second respondent to cancel the documents. So far no action has been taken, the present writ petition has been filed.

4.The third respondent has filed counter affidavit inter alia contending as follows:

“5.It is submitted that thereafter, the Petitioner V.Thoondi, has executed a registered sale deed in favour of one Chithra and one Kumar Vide Document Nos.697 and 698 of 2021 respectively dated 24.07.2021 for a sale consideration of Rs.94,500/- and Rs.37,000/-. At the time of registration, the 3rd respondent has scrutinized all the parent documents and also examined the executants and



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also photographed the parties. On receiving the representation from the petitioner, the second respondent has issued an enquiry notice to the petitioner and other aggrieved parties for conducting enquiry. But, the petitioner has filed the present writ petition without waiting for the outcome of the final orders from the second respondent has moved the present writ petition in a hurried manner without giving enough breathing time to the 2nd respondent, which is liable to be dismissed in limine. The 2nd respondent has considered the petitioner's representation and notices has been issued for conducting enquiry and final orders will be passed at the earliest.”

5. Therefore, on perusal of the averments made in the counter affidavit would clearly show that the third respondent has acted upon the representation made by the petitioner. Therefore, this writ petition is disposed of directing the second respondent to exercise the power under Section 77A of the amended Registration Act and to proceed with the enquiry, after giving notice to the petitioner as well as the respondents 6 to 8 and affording them personal hearings and to dispose of the same



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with speaking order, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

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P.T.ASHA, J.

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