



W.P(MD)No.21690 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21690 of 2015

and

M.P(MD)Nos.2 & 3 of 2015

1.V.Bose

2.Ramu

... Petitioners

Vs

1.The District Registrar,
Office of the District Registrar,
Dindigul.

2.The Sub Registrar,
Office of the Sub Registrar,
Nilakottai, Dindigul.

3.The District Collector,
Office of the District Collector,
Dindigul.

4.The Superintendent of Police,
Dindigul District.

5.Mallika

6.Periya Karuppan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to commence enquiry and prosecute the respondents 5 to 9 herein under Sections 82 & 83 of the Registration Act 1908 for the fraudulent and collusive registration of sale deed dated 20.10.2015 vide Doc.No.3301/2015 on the file of second respondent, and consequently direct the respondents 3 and 4 herein to initiate statutory action against the respondents 5 to 9 in accordance with law.

For Petitioners : No Appearance

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader
for R.1 to R.4

No Appearance for R.5, R.8 & R.9

ORDER

None appears for the writ petitioners. The case is posted under the caption “for dismissal”.

2. I went through the contents of the affidavit filed in support of the writ petition. The learned Additional Government Pleader appearing for the official respondents submits that the property comprised in Survey No.381/1 measuring an extent of 2.85 acres was mortgaged in favour of the first petitioner / Bose by the respondents 5 to 7 vide Document No.1788/2013. Thereafter, the very same



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individuals (Respondents 5 to 7) executed power of attorney in favour of one Ramu vide Document No.2791/2015 for the very same land. This was subsequently cancelled also. There was also an agreement between both the sides vide Document No.2808/2015. At this stage, vide Document No. 3301/2015, the respondents 5 to 7 sold the said property in favour of one Annakodi. One Chinnamayan has attested the document. The document came to be handed over to Chinnamayan.

3. The first petitioner is aggrieved by the execution of sale deed in favour of Annakodi by the respondents 5 to 7. The first petitioner has filed a complaint before the respondents 1 and 2. He also want action to be taken under Sections 82 and 83 of the Registration Act, 1908.

4. I am more than satisfied that the writ petition is not maintainable. Even according to the petitioners, what was executed in their favour is only a deed of mortgage. It is true that the first petitioner and the respondents 5 to 7 entered into an agreement. If the said agreement had been breached by the execution of sale deed in favour of Annakodi, the remedy to the petitioners is to move the civil Court for relief. The question of taking action under Sections 82 and 83 the Registration Act, 1908 will not arise at all.



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5. Granting liberty to the petitioners to move the jurisdictional civil Court, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

To

- 1.The District Registrar,
Office of the District Registrar,
Dindigul.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Nilakottai,
Dindigul.
- 3.The District Collector,
Office of the District Collector,
Dindigul.
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G.R.SWAMINATHAN, J.

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