



W.P.(MD)No.13663 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.13663 of 2016

and

W.M.P.(MD)No.10190 of 2016

G.Gideon,
Pastor,
TELC Jubilee Church.

... Petitioner

/Vs./

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar,
Dindigul Registration District,
Dindigul.
- 3.The Sub Registrar,
Kodaikanal Sub-Registration Office,
Kodaikanal, Dindigul District.
- 4.Abdul Khader,
Clerk, Kodaikanal Sub-Registration Office,
Kodaikanal, Dindigul District.
- 5.Kremmer Sandegren Foundation,
Rep. by its Vice President,
Treasurer & Property Officer,
A.Kamaleswaran.



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6.Kreemmer Sandegren Foundation,
Rep. by its President,
D.Abraham Doss.

7.Kremmer Sandegren Foundation /
Church of Sweden Mission India,
Rep by its President/Dean,
M.Ayyavoo @ Ayyavoo George.

8.S.Mariaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to conduct enquiry and to cancel sale agreement dated 21.06.2016 made in Doc.No.1187/2016 on the file of the 3rd respondent in pursuant to the Circular No.67 dated 03.11.2011 issued by the 1st respondent and consequently direct the 1st & 2nd respondents to take appropriate action against the 4th respondent.

For Petitioner : Mr.P.Athimoolapandian

For Respondents : Mr.S.Shanmugavel (R1 to R3)

Additional Government Pleader

Mr.P.Mahendran (R4)

Mr.S.Ramesh (R5 & R8)

No appearance (R6 & R7)



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ORDER

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This Writ Petition has been filed seeking for a direction to the second respondent to conduct an enquiry and to cancel sale agreement dated 21.06.2016 made in Doc.No.1187/2016 on the file of the third respondent, in pursuant to the Circular No.67 dated 03.11.2011 issued by the first respondent and consequently direct the first and second respondents to take appropriate action against the fourth respondent.

2. Heard the learned counsel appearing for the Petitioner, the learned Additional Government Pleader appearing for the Respondents 1 to 3 and the learned counsel appearing for the fourth, fifth and eighth respondents.

3. It is pertinent to note that Circular No.67 dated 03.11.2011 had already been quashed by the Hon'ble Apex Court and thereafter, the State of Tamilnadu, by way of amendment, has also introduced Section 77-A in the Registration Act, 1908, empowering the District Registrars to deal with the fraudulent documents.



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4. Since Circular No.67 dated 03.11.2011 had already been quashed, the prayer sought for in this writ petition cannot be granted.

But, however, liberty is hereby granted to the petitioner to approach the District Registrars under Section 77-A of the Registration Act, 1908.

5. With the above liberty, this Writ Petition is disposed of. It is needless to say that the District Registrars shall hear the parties concerned including the fourth respondent herein, as expeditiously as possible, while disposing of the application to be filed by the petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.01.2023

NCC : Yes/No
Index : Yes/No
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TO:

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2. The District Registrar,
Dindigul Registration District,
Dindigul.
3. The Sub Registrar,
Kodaikanal Sub-Registration Office,
Kodaikanal, Dindigul District.



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K.KUMARESH BABU, J.

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