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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.7203 of 2016
and
W.M.P(MD).No.6093 of 2016

V.K.C.Simson

... Petitioner

versus

- 1.The Deputy Inspector General of Registration,
Rajagambeeram,
Y.Othakadai,
Madurai-625 107.
- 2.The District Registrar,
Dindigul Registration District,
Dindigul.
- 3.The Joint Sub-Registrar No.II,
O/o.The Joint Sub Registrar's Office,
Dindigul,
Dindigul District.
- 4.The District Revenue Officer,
Dindigul District.
Dindigul.



- 5.The Tahsildhar,
Dindigul West Taluk,
Dindigul.
- 6.The Assistant Director of Survey,
Dindigul District,
Dindigul.
- 7.Kirubakaran
- 8.A.Thandapani

- 9.The Inspector of Police,
District Crime Branch,
Dindigul.

**(R9 Suo motu impleaded vide Court order dated 13.02.2023 in
W.P(MD).No.7203 of 2016 by BPJ) ... Respondent**

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 2 and 3 to take appropriate legal action as per the contemplated provisions of the Registration Act and the Tamil Nadu Registration Rules, within a time frame fixed by this Court.

For Petitioner	: Mr.F.X.Eugene
For R1 to R6	: Mr.M.Ramesh Government Advocate
For R9	: Mr.Vaikkam Karunanithi Government Advocate (Crl.Side)
For R7 and R8	: No appearance



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ORDER

The petitioner has filed this writ petition for a mandamus, to direct the respondents 2 and 3 to take appropriate legal action as per the provisions contemplated under the Registration Act and the Tamil Nadu Registration Rules.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the properties in S.Nos.526/1 to 526/6 in Pallapatti Village, Dindigul District and he purchased the same between the year 1975 and 1976 by virtue of registered sale deeds, dated 04.04.1975 in Document No.977/1975, 20.05.1975 in Document No.1536/1975, 29.03.1976 in Document No.463 of 1976, 29.03.1976 in Document No.464/1976 and 19.04.1976 in Document No.581/76. According to the petitioner, the properties were sold by his vendor through a Power Agent and subsequently, several documents have been made with regard to the petitioner's properties. Though the properties have been purchased by the petitioner and it was also reflected in the



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encumbrance, the Joint Sub-Registrar-II, Dindigul, colluding with the third parties, has created documents in their favour. In this regard, the petitioner has made a representation in the year 2016 for taking action against the officials and the persons concerned. Since no action was taken, the petitioner has filed this writ petition for appropriate direction for taking action against the persons concerned under the Tamil Nadu Registration Act.

3. The learned counsel for the petitioner has also claimed that with regard to the fraud played on the petitioner, a case in Crime No.82 of 2010 has also been registered by the District Crime Branch, Dindigul. In order to ascertain the stage of the criminal case, which was registered in year 2010, this Court, by order dated 13.02.2023, *suo motu* impleaded the Inspector of Police, District Crime Branch, Dindigul as party to this writ petition and the learned Government Advocate (Crl.Side) is directed to take notice for the newly impleaded respondent and also to get instructions in connection with Crime No.82 of 2010 on the file of the District Crime Branch, Dindigul.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the Inspector of Police has filed the charge sheet before the learned Judicial Magistrate No.2, Dindigul, on 22.02.2023.

5. The case in Crime No.82 of 2010 has been registered in the year 2010 and the charge sheet has been filed after 13 years. Therefore, this Court directed the investigation agency to file a report as to the reasons for the delay in filing the charge sheet before the concerned Court.

6. Accordingly, the investigation officer/9th respondent has filed a status report, wherein it is stated that initially, investigation was conducted by one Murugan and thereafter, he was transferred on 20.01.2012 and again, one Sakkarai took charge of the investigation on 16.02.2012 and he arrested the first accused on 12.03.2012 and he was also transferred on 26.07.2012. Thereafter, one Pandiyarajan took



charge of the investigation and he arrested 14th accused on 28.12.2012.

It is further stated that this Court in Crl.O.P(MD).No.1337 of 2016 issued a direction to the investigation officer to file the final report within a period of 6 months.

7. From the status report filed by the 9th respondent, it appears that the final report was made ready as early as on 27.05.2015, however, same was not filed before the concerned Judicial Magistrate. This Court presums that it has not been filed deliberately, in order to protect the accused involved in this case.

8. In the Police Department, the higher officials have, necessarily, to monitor the investigation conducted by the concerned Inspector of Police. It is not known, as to why the final report which was prepared even in the year 2015, has not been filed for more than 8 years before the concerned Court. Only after the orders of this Court by impleading the Inspector of Police, District Crime Branch, Dindigul, to



find out the stage of the case in Crime No.82 of 2010, the final report has been filed before the concerned Court.

9. In the meantime, it is reported that the second accused already died and it is not known, as to how many witnesses died or available. This Court, therefore, expects a report from the Inspector General of Police, South Zone, on the sequence of events took place in this matter and also action taken as against the officials concerned.

10. The Assistant Inspector General of Registration, Dindigul, has also appeared before this Court in person and admitted that some mistakes have been committed in their Department and he has also assured that necessary action would be taken as against the officers, who are responsible for the same. He further submitted that the Department has taken sufficient measures to ensure that such mistakes are not repeated again in future.



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11. The statement of the Assistant Inspector General of Registration that appropriate legal action would be taken as per the provisions of the Registration Act and the Tamil Nadu Registration Rules against the concerned officers is recorded.

12. In view of the subsequent development, this writ petition is closed as no further orders are required. No costs. Consequently, connected miscellaneous petition is closed.

Post the matter after four weeks “For Reporting Compliance”.

01.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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