



W.P(MD)No.19815 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.19815 of 2017

and

W.M.P(MD) No.16084, 16085 of 2017 & 3848 of 2018

V.Anandan

... Petitioner

-Vs-

1. The District Registrar(Administration)
Karaikudi, Sivagangai District.

2. The Inspector of Police
District Crime Branch,
Sivagangai District.

3. S.Nallusamy

4. Shanmugavelu

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the impugned order passed by the first respondent in his proceedings in Na.Ka.No.636/Aa1/2015 dated 18.01.2016 and quash the same

For Petitioner

: Mr.C.Susikumar

For R1 & R2

: Mr. R.M.Anbunithi
Additional Public Prosecutor

For R3

: Mr. R.M.Arun Swaminathan

For R4

: No appearance



WP(MD)No.19815 of 2017

WEB COPY

ORDER

This petition has been filed for writ of certiorari to call for the records of the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.636/Aa1/2015 dated 18.01.2016 quash the same.

2. According to the petitioner he is the power agent of the third respondent. The third respondent executed power deed in favour of the petitioner dated 14.06.1993 and thereafter based on the power he sold the property to the fourth respondent. While being so, after 16 years the third respondent has given a complaint before the first respondent stating that fourth respondent is claiming extra 20 cents as per the sale deed. On verification of documents, the third respondent came to understand that the schedule of property differ from the power deed and the sale deed. In pursuance to the said complaint, the first respondent herein passed a impugned order in Na.Ka.No.636/Aa1/2015 dated 18.01.2016. The petitioner was not served with any notice from the first respondent and no opportunity was given to him. But at the time of execution of sale deed measurement in one side was wrongly mentioned and the same is a typographical error and the petitioner has no intention to cheat



W.P(MD)No.19815 of 2017

anybody. In the meantime, without giving any opportunity to the petitioner this impugned order was passed, hence the proceedings is liable to be quashed.

3. The learned counsel appearing for the petitioner contended that the petitioner being a power agent of the third respondent sold the property to the fourth respondent. At the time of execution of sale deed measurement in one side was wrongly mentioned and the same was purely a typographical error. Further the first respondent has not served any notice, therefore the order passed by the first respondent is liable to be quashed.

4.The learned counsel appearing for the third respondent contended that the petitioner has executed sale deed by exceeding his limits and mentioned excess land and thereby sold the excess land measuring 20 cents and thereby the third respondent has given complaint before the first respondent and after enquiry the first respondent has passed the order. Already the petitioner was given opportunity but he failed to avail the opportunity, hence the petition is liable to be dismissed.



WP(MD)No.19815 of 2017

5. The learned Additional Public Prosecutor appearing for the second respondent represented that based on the letter given by the first respondent the second respondent had taken steps to enquire the matter and in the mean time this Court had stayed the entire proceedings and thereby the said complaint is still pending for consideration.

6. Heard both sides and perused the materials available on record.

7. The main contention of the petitioner is that no notice was served on him but on perusal of the impugned order passed by the first respondent it is seen that notice was sent to the petitioner and thereafter 2 to 3 time adjournments were given. In the impugned order itself it is mentioned that notice was sent to the parties but they have not appeared before the first respondent. The fourth respondent only appeared before the first respondent on 12.10.2015. Therefore the contention of the petitioner that he has not given opportunity is not acceptable one. Further the District Registrar has sent a letter to the first respondent police under Section 82 of the Registration Act. Section 82 of the Registration Act, reads as follows:

82. Penalty for making false statements, delivering



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W.P(MD)No.19815 of 2017

false copies or translations, false personation, and abetment.—Whoever—

a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

d) abets anything made punishable by this Act, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both

8. Therefore the District Registrar has sent letter to the second respondent for taking action under Section 82 of the Registration Act. Further the first respondent only recommend the police to take action. It is for the second respondent to consider the letter of the first respondent in accordance with law and on merits. If the petitioner is aggrieved by the acts of the second respondent then he can approach the appropriate forum for appropriate remedy, but not now through this petition.



W.P(MD)No.19815 of 2017

WEB COPY

9. With the above observation, this Writ Petition is disposed of.

No costs. Consequently connected miscellaneous petitions are closed.

18.07.2023

Index : Yes/No
Internet : Yes/No
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To

1. The District Registrar(Administration)
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2. The Inspector of Police
District Crime Branch,
Sivagangai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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W.P(MD)No.19815 of 2017

P.DHANABAL, J.

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W.P(MD)No.19815 of 2017

18.07.2023