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W.P.No.10400 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.10400 of 2021

M/s.Rajsriya Automative Industries (P) Ltd.,
Having its Office at Unit II,
143 SIPCOT Industrial Complex,
Hosur-635 126,
Rep. By its Senior Manaer – HR & Admin
Mr.K.Shankar,
Registered Address: No.95, Harrington Road,
Chetpet, Chennai 600 031.

..... Petitioner

-Versus-

- 1.The District Registrar,
Krishnagiri 635 001.
- 2.The Sub-Registrar,
M.G.Road, Hosur – 635 109.
- 3.Mr.V.Thirumurugan
- 4.Mr.Murugan
- 5.Kulandaisamy

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to initiate appropriate action in the said complaint dated 19.03.2021 filed by the petitioner before the



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1st respondent as per the terms contained in the Circulars dated 08.11.2017, 07.06.2018, 31.07.2018 and 09.11.2018 bearing Letter Nos.41530/U1/2017, 25600/C1/2018, 41530/U1/2017 and 41530/U1/2017 respectively issued by the Inspector General of Registration read with the provisions contained in section 68(2) of the Registration Act, within the period as may be prescribed by this court.

*For Petitioner(s) : Mr.V.S.Rishwanth for
Mr.S.Raghunathan*

*For Respondent (s) : Mr.Yogesh Kannadasan,
Special Government Pleader
for RR1 & 2
R3-Reported Dead
No Appearance for RR4 & 5*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 1st respondent to initiate appropriate action on the complaint dated 19.03.2021 filed by the petitioner before the 1st respondent as per the circulars issued by the Inspector General of Registration read with the provisions contained in section 68(2) of the Registration Act, 1908.

2. It is the case of the petitioner company that they are the owner of the premises comprising of 7 industrial sheds, admeasuring 12.61 Acres situate in S.Nos.312(part), 313(part), 314(part), 315(part), 316 (part), 317 (part),318 (part), 319 (part), 320 (part) and 326 (part) bearing Plot Nos.86 to 89, SIPCOT



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Industrial Complex, Hosur, Zuzuvadu village, Hosur Taluk. The said property was purchased by the petitioner in an auction sale. The auction sale was confirmed and the petitioner was issued with a sale certificate dated 09.12.2010 which was registered as Doc.No.13073 of 2010 on the file of the office of the Sub Registrar, Hosur. According to the petitioner, the agreement of sale in respect of the said property was entered into only on 24.08.2021 and the same will not bind on him. The agreement of sale has been fraudulently executed by the persons having no right, title or interest over the property. In this regard, he gave a complaint to the 1st respondent, but, no action was initiated. Hence, this writ petition.

3. Heard both sides.

4. Despite notice the respondents 4 and 5 neither chose to appear in person or enter appearance through their respective counsel.

5. It is relevant to note here that mere registration of sale agreement does not create any interest or charge over the property and the same will not be a bar for the real owner to deal with his own property. Whereas in the instant case, the petitioner claims that he had purchased the subject properties much prior to the sale agreement in question and therefore, such agreement will not have any effect as far as the petitioner's purchase is concerned. In the light of



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the above said factual and legal position, no direction to the 1st respondent as prayed by the petitioner to consider his complaint is required to be issued in the matter.

In the result, the writ petition is disposed of with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

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To

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Krishnagiri 635 001.
- 2.The Sub-Registrar,
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N.SATHISH KUMAR.J.,

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