



W.P(MD)No.5398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5398 of 2024

Jeffrey Savio Samson

... Petitioner

Vs.

1.The Inspector of Police,
CBCID, OCU,
Madurai.

2.The Sub Registrar,
Sub Registrar Office,
Panagudi,
Tirunelveli District.

3.The Joint Sub Registrar,
Madurai South Joint 4 Sub Registrar Office,
Palanganatham,
Madurai.

4.G.Rengasamy
(R4 is impleaded vide order dated
22.04.2024 in W.M.P.(MD)No.7740/2024)

4.New Global Oil &
Gas Enterprises,
Represented by its Partner
A.P.Nandakumar
Rosy Tower, 1st Floor,
A Wing, No.7,
Nungambakkam High Road,
Chennai 600 034.
(R5 is impleaded vide order dated
22.04.2024 in W.M.P.(MD)No.8580 of 2024)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents nos. 2 and 3 to receive and register documents and deeds, including Power of Attorney presented by the father of the petitioner, T.James Arockiaraj, currently incarcerated in Central Prison, Madurai, as Convict Prisoner No.2090, in respect of the property viz, Samson LPG Bottlers, comprised in S.Nos. 59/8, 59/9A, 59/9B, Karungulam Village, No. 6/187, Sanganapuram, Radhapuram Taluk, Tirunelveli District-627 114, spanning a total extent of 3.69.5 hectares, in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

: Mr.R.Ragavendran
Government Advocate for R2 & R3

: Mr.Muthusaravanan for R4

: Mr.A.V.Arun for R5

ORDER

Heard both sides.

2. The petitioner's father owns an LPG Bottling Plant in the petition mentioned survey numbers. The total extent of land measures 3.69.5 Hectares.



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A lease agreement had been entered into with the fifth respondent. Since impediments are anticipated for registering the documents, the present writ petition came to be filed. The question that calls for consideration is whether the petitioner can be granted relief.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He drew my attention to Sections 22A and 22B of the Registration Act, 1908 and contended that since the transaction in question as on date falls outside the scope of the aforesaid provisions, relief has to be granted. This specific stand of the petitioner was also endorsed by the learned counsel appearing for R5.

4. The legal contentions advanced by the petitioner's counsel are undoubtedly formidable. It is seen that the petitioner's father had collected substantial sum around Rs.2,00,00,000/- way back in the year 1999. But he failed to honour the promises and commitments made to the third parties. Hence, Crime No.130 of 2000 was registered on the file of the District Crime Branch, Madurai. Final report was filed and the case was taken on file in C.C.No.23 of 2011. The petitioner's father figured as the first accused in the said case. Vide Judgment dated 22.05.2015, the petitioner's father was found



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guilty. Aggrieved by the same, he filed Criminal Appeal No.20 of 2015. The learned 1st Additional District and Sessions Judge, Madurai dismissed the appeal on 20.09.2021. Criminal Appeal No.14 of 2018 filed by the State was also dismissed. But the State was given liberty to proceed to attach the petition mentioned properties. Aggrieved by the same, the petitioner's father filed CrI.R.C.(MD)No.932 of 2021 before this Court. The revision petition was dismissed on 23.03.2022. Challenging the same, he moved the Hon'ble Supreme Court of India. Time was granted to the petitioner's father to settle the claim of the persons from whom money was collected. But the petitioner's father failed to settle the issue. SLP itself came to be dismissed on 07.08.2023.

5. In this background, the present transaction has to be viewed. The learned Additional Public Prosecutor appearing for the State informs the Court that GO for attaching the petition mentioned property is to be passed shortly. The registering authority is yet to issue any refusal check slip. At this anticipatory stage, I don't want to intervene. I am therefore not in a position to grant relief to the petitioner. The Writ Petition is dismissed. No costs.

12.06.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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