



W.P(MD)No.8922 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.8922 of 2021

and

W.M.P(MD)No.6720 of 2021

Rajeswari

... Petitioner

Vs

- 1.The Director of Vigilance and Anti Corruption,
Vigilance and Anti Corruption Unit,
Raja Annamalaipuram,
Chennai.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Unit,
Virudhunagar.
- 3.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.
- 4.The District Registrar,
Virudhunagar,
Virudhunagar District.
- 5.The Joint Sub Registrar No.II,
Virudhunagar,
Virudhunagar District.
- 6.Ashok Gopinath
- 7.Kudalingam
- 8.Jeyapandi
- 9.Kumar



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10.Jeyarajan

11.Baskaran @ Bailwan Baskaran

12.Pon Baranitharan,
Assistant,
The Joint Sub Registrar No.II,
Virudhunagar,
Virudhunagar District.

... Respondents

(RR 6 to 12 are impleaded vide order
dated 15.12.2023 made in W.M.P(MD)No.9311 of 2021)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in letter No.20123/C1/2020 dated 17.03.2021 and to quash the same as arbitrary and ultravires and directing the third respondent to grant approval under Section 17(A) of the Prevention of Corruption Act on the basis of the petitioner's representation dated 01.12.2020.

For Petitioner : Mr.G.Mariappan

For RR 1 to 5 : Mr.Veera Kathiravan
Assisted by
Mr.S.P.Maharajan
Special Government Pleader

For R – 6 : No appearance

For RR 7 to 9 : Mr.G.Aravinthan

For R – 12 : Mr.D.Srinivasa Raghavan



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ORDER

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This Writ Petition has been filed by the petitioner challenging the order passed by the third respondent dated 17.03.2021 thereby rejecting the request made by the petitioner to grant approval under Section 17(A) of the Prevention of Corruption Act as against the registering authority.

2.The petitioner is the daughter of one Jeyarajan. He had executed three sale deeds dated 04.07.2020 in respect of the property in Door Nos.67/1D and 67/1E comprised in Survey No. 29/9A27 situated at Virudhunagar District which was settled in favour of his wife by the settlement deed dated 26.07.2004 registered vide Document No.2219 of 2004. The petitioner filed a suit in O.S.No.5 of 2015 on the file of the Additional District Court, Virudhunagar for partition and also filed an interlocutory application in I.A.No.9 of 2020 in O.S.No.5 of 2015 on the file of the Additional District Court, Virudhunagar as against her father namely 10th respondent herein not to alienate the subject property. When the 10th respondent attempted to alienate the subject property to third parties, the petitioner submitted objections before the fifth



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respondent stating that already the suit was pending and also injunction petition was pending restraining the tenth respondent from alienating the subject property. However, without considering the objections raised by the petitioner, the registering authority colluded with her father and registered the sale deeds in favour of the respondents 7 to 9 herein. Therefore, the petitioner submitted a representation to take appropriate action as against the registering authority alleging that the purchasers, namely the respondents 7 to 9 are not income tax assessee and they did not have any financial source to purchase the subject property. They had split the single property into three plots in order to avoid the restriction imposed by the income tax authorities ie., registration of any immovable property for more than Rs.10 lakhs should be done only by getting No Objection Certificate from the income tax department. Further, the sub-division of one house into three plots has created suspicion and even then the registering authority fraudulently registered the sale deed and colluded with the tenth respondent and the purchasers. Therefore, she sought for prior approval to prosecute the registering authority under Section 17(A) of the Prevention of the Corruption Act.



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3.The petitioner further alleged that the fifth respondent, without even inspecting the subject property, registered the sale deeds that too without insisting No Objection Certificate from the income tax department. Further, the property was undervalued and even then, the fifth respondent failed to refer the same under Section 47A of the Indian Stamp Act. Therefore, there is a revenue loss to the exchequer.

4.Admittedly, though the petitioner filed a suit for partition, there is no interim order restraining the registering authority from registering any sale deed in respect of the property which was subjected for partition by the petitioner. On the complaint, the third respondent conducted detailed enquiry and revealed that the Will executed by the petitioner's mother will come into force only after her demise. Before her demise, she can cancel the Will and she can deal with the property during her lifetime. Therefore, the settlement deed executed in favour of the tenth respondent is valid and the tenth respondent can deal with the property. Though the petitioner alleged that the registering authority colluded with the tenth respondent and the purchasers by bribing them, in order to substantiate the same, the petitioner did



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not even produce any piece of evidence. Further, the District Registrar conducted a detailed enquiry and reported that the registration was done in accordance with law and as such, there is no *prima facie* made out for prior approval to proceed as against the registering authority under the Prevention of the Corruption Act. Further, if at all any undervaluation, only after registration of the document, the inspection will be made and accordingly, it will be referred to under Section 47A of the Indian Stamp Act. Therefore, the third respondent rightly directed the fourth respondent to conduct field inspection and value the property which was sold out in favour of the respondents 7 to 9 herein and to take appropriate action, if any deficit stamp duty. Though the petitioner was bequeathed the subject property by her mother by way of Will, during the lifetime of her mother she had settled the subject property in favour of the tenth respondent. Therefore during the lifetime of the executant, the executant has the right to cancel the Will or to deal with the subject property. Therefore, the request made by the petitioner was rightly rejected by the third respondent and this Court finds no infirmity or illegality in the order passed by the third respondent, dated 17.03.2021. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.



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5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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G.K.ILANTHIRAIYAN, J.

ps

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W.P(MD)No.8922 of 2021

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