



W.P.(MD)No.15437 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.15437 of 2023, 1190 of 2024,
25121 of 2022 and
W.M.P(MD)Nos.1203, 1204 of 2024, 19220, 19221 & 19223 of 2022,
13027 & 13028 of 2023

W.P.(MD)No.15437 of 2023

Ruby Raj

...Petitioner

-Vs-

1.The Enquiry Officer/District Registrar,
District Registration Office,
Palayamkottai,
Tirunelveli -2.

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

3.U.Edward

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, call for records in Na.Ka.No. 2964/E1/2021, dated 11.11.2021 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.S.Kumar

For Respondents

: Mr.M.Sarangan
Additional Government Pleader
for RR1 & 2
Mr.C.Dhanaseelan for R3



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W.P.(MD)No.1190 of 2024

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Anandakumar

...Petitioner

-Vs-

1.The District Registrar(Administration),
Tirunelveli.

2.The Sub Registrar,
Panagudi,
Tirunelveli District.

3.U.Edward

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 11.11.2021 in Na.Ka.No.2964/E2/2021 passed by the 1st respondent and quash the same in so far as the order declaring the Doc.No. 782/2009 on the file of the Sub-Registrar, Panagudi except the Serial No.4 of V Schedule of Partition Deed dated 26.12.2008 as fraudulent.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for RR1 & 2
Mr.C.Dhanaseelan for R3



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W.P.(MD)No.25121 of 2022

M.Joseph Stalin Dhillip Kumar

...Petitioner

-Vs-

1.The District Registrar(Administration),
Tirunelveli.

2.The Sub Registrar,
Panagudi,
Tirunelveli District.

3.U.Edward

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 11.11.2021 in Na.Ka.No.2964/E2/2021 passed by the 1st respondent and quash the same.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for RR1 & 2
Mr.C.Dhanaseelan for R3

COMMON ORDER

These writ petitions have been filed challenging the order passed by the first respondent dated 11.11.2021, thereby declared that the documents registered Nos.876/2005, 782/2009, 68/13, 766/13.23/18, 1362/18 and 3387/2020 were fraudulently registered and directed to enter the same in the



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record book. Further, the first respondent refused to cancel those documents and also directed to initiate the prosecution as against the persons who fraudulently presented the documents for registration.

2.On the complaint lodged by the third respondent, the first respondent conducted the detailed enquiry and found that the properties were fraudulently registered vide documents Nos.876/2005, 782/2009, 68/13, 766/13.23/18, 1362/18 and 3387/2020 without any title. Therefore, the first respondent has declared that those documents were fraudulently registered and directed to record the same in the book of records. Further, directed the registering authority to lodge a complaint as against the fraud committed by the persons who presented the documents for registration. The first respondent has also rejected the request to cancel the documents since he has no power to cancel any documents. In order to cancel those documents, the parties are advised to go before the civil Court for appropriate relief.

3.The learned Counsels appearing for the petitioners would submit that among the properties which are under challenge and the same were also now declared as fraudulently registered. On perusal of the documents reveals that the petitioners were given opportunity and also due enquiry.



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4.The first respondent has passed a detailed order that the property to an extent of 4.81 cents comprised in survey No.1747/1A, situated at Perungudi Village, Radhapuram Taluk belong to one Manickaraj and later, he died. The said property along with other properties belong to the said Manickaraj are under dispute between his legal heirs.

5.The subject lands have already gifted by the wife of the deceased Manickaraj in favour of one of their son by the gift deed, dated 20.12.2001, vide document No.2221 of 2001. He was also issued patta and sold out in favour of one complainant, namely, the third respondent by registered sale deed, dated 31.07.2002, vide document No.1386 of 2002. Thereafter, he was also issued patta and he got mutation of revenue records and the Patta was also got transferred in his name. In turn, he had executed the settlement deed in favour of his sister vide document No.4984 of 2021.

6.While being so, suppressing the above facts, the fraudulent sale deed was executed by other son of the deceased Manickaraj in respect of the very same property and registered vide document No.876 of 2005. Subsequently, so many deeds were registered, such as power of attorney executed by the



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petitioner on 07.01.2013 in favour of one Velan Kumar in respect of the same property vide document No.68 of 2013. Thereafter, created a simple mortgage deed, dated 27.02.2013 in favour of one E.Appathurai vide document No.766 of 2013.

7.Further, the petitioner has also executed the sale deed in favour of one A.Ramesh Kumar, dated 12.06.2018 vide document No.1362 of 2018. Subsequently, the buyer namely the said A.Ramesh Kumar has executed the sale deed dated 18.11.2020 in favour of the petitioner herein. Therefore, the first respondent found that all the documents were fraudulently got registered and have been recorded in the book of records.

8.In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Hence, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, these writ petitions stand dismissed. No costs.

21.11.2024

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To
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G.K.ILANTHIRAIYAN. J,

RJR

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of 2024 and 25121 of 2022

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