



WEB COPY



WP(MD)Nos.17790 and 18960 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.17790 and 18960 of 2022
and
WMP(MD)Nos.12979 and 113831 of 2022

K.Saravananmariappan

... Petitioner in both WPs

Vs

The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District.

...Respondent in both WPs

PRAYER in WP(MD)No.17790 of 2022: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned charge memo bearing memo No.4690/A1/2022 dated 25.07.2022 on the file of the respondent and quash the same as illegal and consequently direct the respondent to reinstate the petitioner into service.

PRAYER in WP(MD)No.13831 of 2022: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned charge memo bearing memo No.4690/A1/2022 dated 19.07.2022 on the file of the respondent and quash the same as illegal and consequently direct the respondent to reinstate the petitioner into service.



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For Petitioner : Mr.R.Shankarganesh

For Respondent : Mr.GV.Vairam Santhosh,

Additional Government Pleader
in both WPs

COMMON ORDER

The petitioner, a Sub Registrar has been issued with a charge memo that he violating the circular issued by the Inspector General of Registration has registered the documents pertaining to a company viz, Pearls Agrotech Corporation Limited (PACL), which is facing a criminal prosecution and the same is pending with Hon'ble Supreme Court. Challenging the charge memo the petitioner has filed the writ petition in WP(MD)No.18960 of 2022

2.Consequently, pending the departmental proceedings the petitioner has been placed under suspension by order dated 25.07.2022, against which the petitioner has filed the writ petition in WP(MD)No.17790 of 2022.

3.The learned counsel for the petitioner submits that the petitioner assumed office of the Sub Registrar only in the year 2020 and he was unaware of the circulars issued early. He further submits that on the date of registration of the alleged documents, there was no document available that the properties



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belong to PACL and the Department of Registration recorded the survey number of the properties of PACL in encumbrance objecting registration only after 16.07.2022, but the documents mentioned in the charge memo were registered prior to 16.07.2022. The petitioner only after verifying all the parental documents had registered the documents.

4.The learned Additional Government Pleader appearing for the respondent submits that the issue in respect of the PACL is pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court has appointed a Committee headed by Hon'ble Justice R.M.Lodha, former Judge of the Supreme Court to oversee the sale of assets and the process of refunding investors in respect of PACL. While so, the Securities and Exchange Board of India [SEBI] and the Central Bureau of Investigation [CBI] have forwarded the property details of PACL in Tamil Nadu to the Registration Department requesting not to register any documents pertaining to the properties of PACL and its associate companies without the permission of the Hon'ble Supreme Court. Based on their letter, the Inspector General of Registration, Chennai by his letter dated 26.11.2018 addressed to the District Registrar, Tirunelveli to ensure that no document of PACL is registered. Subsequently the District Registrar, Tirunelveli by his letter dated 29.01.2019 communicated the same to all the Sub Registrars in Tirunelveli Region and they have also acknowledged



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the receipt of the aforesaid circular. Therefore the petitioner cannot plead ignorance that he was unaware of the circulars issued by the Inspector General of Registration in the year 2018 itself. However the petitioner without having regard to those circulars has registered several documents of PACL. Therefore, the petitioner has been issued with the charge memo and the suspension order.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The petitioner is issued with a charge memo dated 19.07.2022. He has been placed under suspension by order dated 25.07.2022 pending the enquiry. The case of the petitioner is that he was not aware of the circular issued by the Inspector General of Registration instructing not to register the documents pertaining to Pearls Agrotech Corporation Limited. The respondent claims that the properties of PACL have been identified by the CBI and SEBI and they have been communicated to the Inspector General of Registration not to register those properties situated in Tamil Nadu without permission of the Hon'ble Supreme Court. Based on the said communication the Inspector General issued circulars to all the District Registrars concerned and it was also communicated to all the Sub Registrars concerned. The department also claims that the receipt of the said circulars have been acknowledged by the



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Sub Registrars concerned. Therefore, the petitioner cannot plead ignorance that he was not aware of the same. Therefore, this Court is not inclined to decide the merits of the charges in a writ petition.

7.Further, the scope of the writ petition as against the charge memo is very limited. The Courts can interfere, only when the charge memo is issued without any competence or with *mala fide*. The petitioner has not raised any such a ground for challenging the charge memo and has also not made out any such a case. Therefore, this Court is not inclined to interfere with the charge memo issued as against the petitioner. This petitioner has also been placed under suspension. The department claims that pending departmental proceedings, he has been placed under suspension. Therefore, this Court is not inclined to interfere with the order of suspension also.

8.The Department has issued the charge memo to the petitioner on 19.07.2022 and placed him under suspension on 25.07.2022. Though two years passed the departmental proceedings is not yet concluded. Therefore, the respondent is expected to conclude the departmental proceedings initiated as against the petitioner within a period of three months from the date of receipt of copy of this order.



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9.In the result, these writ petitions are dismissed. No costs. Consequently
connected miscellaneous petitions are closed.

20.11.2024

Internet : Yes / No

DSK

To

The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District.



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B.PUGALENDHI.J.,

DSK

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