



W.P.(MD)Nos.19163 and 22198 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) Nos.19163 and 22198 of 2022

W.P.(MD) No.19163 of 2022

John Arulappan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Kajamalai,
Tiruchirappalli - 620 020.
- 3.The District Registrar,
Registration Department,
Tiruchirappalli District,
Tiruchirappalli.
- 4.The Sub-Registrar,
Registration Department,
Manapparai 621306,
Tiruchirappalli District.
- 5.Equitas Small Finance Bank Ltd.,
Phase II, 4th Floor,
Spencer Plaza, No.769,
Anna Salai, Chennai 600 002,
Represented by its Branch Manager,
Manapparai Branch, Dindigul Road,
Manapparai – 621 306, Tiruchirappalli District.



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6. Mariya Santhappan

7. Thomasraj

8. Mariya Arockiam

9. Fathimamary

10. Sagayamary

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 3rd respondent to cancel the document No.57 of 2017 dated 06.01.2017 and document No.3519 of 2022 dated 20.05.2022 on the file of the 4th respondent based on the petitioner's representations, dated 04.07.2022, 26.07.2022 and 28.07.2022 given to the 3rd respondent, 2nd respondent, and to the 1st respondent respectively.

For Petitioner : Mr.Madasamy.T.M

For R1 to R4 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R5 : No appearance

For R6 to R10 : Mr.A.Lourdu Raj



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W.P.(MD) No.22198 of 2022

John Arulappan

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruchirappalli District.

2.The Inspector of Police,
Vaiyampatti Police Station,
Manapparai Sub-Division,
Tiruchirappalli District.

3.Mariya Santhappan

4.Stephen Sabari Robert

5.Jenit Justin Sesuraj

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent Nos.1 and 2 to take appropriate action against the respondent Nos.3 to 5 on the petitioner's complaint, dated 06.09.2022 given to the 2nd respondent and the petitioner's representation dated 13.09.2022 given to the 1st respondent.

For Petitioner : Mr.Madasamy.T.M

For R1 and R2 : Mr.B.Nambiselvan,
Additional Public Prosecutor.



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COMMON ORDER

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The Writ Petition in W.P(MD) No.19163 of 2022 has been filed to direct the 3rd respondent to cancel the document No.57 of 2017 dated 06.01.2017 and document No.3519 of 2022 dated 20.05.2022 on the file of the 4th respondent based on the petitioner's representations, dated 04.07.2022, 26.07.2022 and 28.07.2022 given to the 3rd respondent, 2nd respondent, and to the 1st respondent respectively.

2. The Writ Petition in W.P(MD) No.22198 of 2022 has been filed to direct the respondent Nos.1 and 2 to take appropriate action against the respondent Nos.3 to 5 on the petitioner's complaint, dated 06.09.2022 given to the 2nd respondent and the petitioner's representation dated 13.09.2022 given to the 1st respondent.

3. The issue arisen in the Writ Petitions are one and the same. These Writ Petitions are filed by the same petitioner.

4. The case of the petitioner is that the petitioner is working as a driver and his mother purchased 7 cents of land in Survey No.222/11 of Sekkanam Village, Manapparai Taluk, Trichy District, from one Marthammal,



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W/o.Chinnappan, vide document No.79 of 1989, dated 23.01.1989 on the file of the fourth respondent. Thereafter, the petitioner's father also purchased a property to an extent of 16 cents in the very same survey No.222/11, 11 cents in survey No.222/12, 20 cents in Survey No.222/13 of Sekkanam Village, Manapparai Taluk, Tiruchirappalli District and he purchased 2/3 portion of the well located in 6 cents in Survey No.222/14 with electricity connection bearing No.33. Apart from that, the petitioner's father purchased 30 cents of land in Survey No.222/15, 40 cents of land in Survey No.222/16 vide document No.463 of 1989, dated 24.01.1989 on the file of the fourth respondent. Thereafter, the petitioner's father made a settlement deed in favour of the petitioner vide document No.1301 of 2022, dated 08.05.2002 on the file of the fourth respondent. The vendor of the petitioner's father also possessed the property adjacent to the petitioner's property and they were issued joint patta. Taking advantage of the joint patta, one Mariyasanthappan, S/o.Pangiraj sub-divided the property without the petitioner's knowledge and created a mortgage deed in favour of the fifth respondent, vide document No.57 of 2017, dated 06.01.2017. Apart from that the respondent Nos.6 to 10 have created a partition deed vide document No.3519 of 2022 dated 20.05.2022 ignoring the sale deed already executed by the grand mother and father of the respondent Nos.6 to 10 in favour of the petitioner's mother and petitioner's father. Aggrieved over the same, the



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petitioner made several representation before the respondent Nos.1 to 3 in W.P(MD) No.19163 of 2022, but the same were not considered. Thereby, the Writ Petition in W.P(MD) No.19163 of 2022 has been filed seeking direction to cancel the document Nos.57 of 2017 and 3519 of 2022, dated 06.01.2017 and 20.05.2022 respectively on the file of the fourth respondent based on the petitioner's representations. This Court issued a notice to the private respondents, on 23.08.2022. After receipt of notice, all the accused person joined together and attacked the petitioner. Thereby, the petitioner registered a complaint before the respondent Police. However, the same was not taken on file. Hence, another Writ Petition has been filed by the petitioner in W.P(MD) No.22198 of 2022.

5. The learned counsel for the petitioner would submit that this Court may issue a direction to the respondent Nos.1 to 3, to consider the petitioner's representations, dated 04.07.2022, 26.07.2022, 28.07.2022, within the time that may be fixed by this Court. Further this Court may issue direction to the respondent Police to register a case based on the complaint given by the petitioner, dated 06.09.2022. Accordingly, he pray for appropriate orders.



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6. The learned Additional Public Prosecutor would submit that the third respondent in W.P(MD) No.19163 of 2022 will consider the petitioner's representation, dated 04.07.2022 in terms of Section 77A of Registration Act.

7. The learned counsel appearing for the respondent Nos.6 to 10 in W.P(MD) No.19163 of 2022 would submit that this Court may provide opportunity to the private respondents, if any direction is issued to the third respondent.

8. The learned Additional Public Prosecutor would further submit that in pursuant to the complaint made by the petitioner, a case was registered on 16.10.2022 in Crime No.349 of 2022 for the offences punishable under Section 294(b), 324, 506(ii), 379 of IPC.

9. Recording the submission made by the learned Additional Public Prosecutor, the prayer sought for in the Writ Petition in W.P(MD) No.22198 of 2022 has become infructuous. Accordingly, the Writ Petition in W.P(MD) No. 22198 of 2022 is dismissed as infructuous. No costs.



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10. Considering the limited request made by the learned counsel for the petitioner, this Court is inclined to issue a direction to the third respondent in W.P(MD) No.19163 of 2022 to consider the petitioner's representation, dated 04.07.2022 within a period of four weeks from the date of receipt of copy of this order, after providing sufficient opportunity to the private respondents.

11. With the above said directions, the Writ Petition in W.P(MD) No. 19163 of 2022 is disposed of. No costs.

13.02.2024

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

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To

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- 5.The Superintendent of Police,
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- 6.The Inspector of Police,
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Manapparai Sub-Division,
Tiruchirappalli District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

Indu

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