



W.P.(MD) No.18570 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.18570 of 2016

and

W.M.P.(MD) Nos.13445, 13446, 13447 and 14958 of 2016

R.Ganesan

.. Petitioner

Vs.

1.The District Registrar (Admn),
In the Cadre of Assistant Inspector General (Registration),
Madurai North, Madurai.

2.The Sub Registrar IV,
Madurai, Palanganatham.

3.J.S.Krishnan

4.The Inspector of Police,
Othakadai Police Station,
Madurai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st Respondent in Na.Ka.No.2684/B1/2016 dated 20.07.2016 and consequent impugned order of the 1st respondent in Na.Ka.No.2684/B1/2016 dated 22.07.2016



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quash the same and consequently direct the respondents herein from in any way interfering with the title and ownership of the property pertaining to the sale executed by the 3rd respondent in favour of the petitioner vide Doc.No.654/2016, dated 21.04.2016.

For Petitioner	:	Mr.S.Ram Sundar Vijayraj for M/s.Veera Associates
For R1 & R2	:	Mr.D.Sadiq Raja Additional Government Pleader
For R3	:	Mr.M.Saravanan
For R4	:	Ms.M.Aasha Government Advocate (Crl. Side)

ORDER

This writ petition has been filed challenging a notice issued by the first respondent calling upon the petitioner to attend an enquiry by holding that there has been an impersonation by the petitioner. The show cause notice has been issued by invoking the powers under Section 83 of the Registration Act, 1908.

2. It has been brought to the notice of this Court that the third respondent herein had also filed a complaint before the fourth respondent



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even as early as in the year 2016. A status report has been filed by the fourth respondent that an FIR in Crime No.407/2016 had been registered for offences under Sections 468, 471 and 420 IPC on 21.07.2016. However, when the CD file was searched, the same was not traceable and therefore, a fresh CD file had been created and pursuant to the same, investigation has also been conducted by the fourth respondent. He would also indicate that the first accused in the said case had also sold various portions of the property to 72 persons and that all the 73 documents, including the document of which impersonation was alleged, have been obtained by the fourth respondent and particularly the document alleged to have been executed by the de facto complainant in favour of the accused *viz.*, the petitioner herein had been sent for forensic examination and as and when the report is received from the forensic expert, a final report would be filed.

3. Section 83 of the Registration Act envisages that on a complaint of a fraudulent registration by any of the parties by an aggrieved person, the District Registrar shall conduct an enquiry into such allegation and if



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it is found that fraud has been played in registering the document, a complaint relating to the said fraud shall be made by the District Registrar to the concerned police. An entry also is made in the Encumbrance Certificate with regard to the pendency of such prosecution.

4. In the present case, even before the enquiry could be concluded by the first respondent on the complaint made by the third respondent, the fourth respondent had commenced investigation and it is almost in the stage of completion leaving only the filing of the charge sheet. For the alleged impersonation, since already the criminal law had been set in motion by the petitioner, which had culminated into filing an FIR in Crime No.407/2016, there is no necessity for the District Registrar now again to conduct an enquiry into the said allegations. It has also been brought to the notice of this Court that 72 sale transactions have been made pursuant to the alleged document, which has been registered by impersonation. If any further third party encumbrance is allowed to be created, it would unnecessarily involve right of gullible third parties.



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5. In such view of the matter, the second respondent herein is directed to make an entry in the encumbrance certificate disclosing the pendency of criminal investigation. The fourth respondent is also directed to investigate the subsequent execution of 72 sale deeds as indicated in the status report filed by the fourth respondent before this Court and thereafter, proceed to complete the investigation within a period of sixty days from the date of receipt of a copy of this order and also follow up with the forensic to submit a report at the earliest and endeavour to file a final report within a period of four weeks thereafter.

6. With the aforesaid directions to the second and fourth respondents, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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



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K.KUMARESH BABU, J.

abr

To

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- 2.The Sub Registrar IV,
Madurai, Palanganatham.

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