



W.P(MD)No.25262 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.25262 of 2024

N.D.Chandra Mouli
Rep. by his Power Agent,
Dharmaraj

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Karur, Karur District.

2.The Sub Registrar,
Nangavaram Sub Registrar Office,
Kulithalai Taluk, Karur District.

3.E.Velusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to receive the petitioner's sale agreement dated 12.09.2024 with regard to the properties bearing Survey Nos.957/1A/2A, 957A/17, 957A/18-Patta No.1404, situated at Nangavaram South Beat-I Village, Nangavaram, Kulithalai Taluk, Karur District and register the same.

For Petitioner : Mr.R.Murugappan

For R1 & R2 : Mr.M.Siddharthan,
Additional Government Pleader

For R3 : Mr.Arun Anbumani



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that the properties in Survey Nos.957/1A/2A, 957A/17 and 957A/18-Patta No.1404, situated at Nangavaram South Beat-I Village, Nangavaram, Kulithalai Taluk, Karur District, belonged to one N.D.Chandra Mouli. The petitioner is the power agent of the said N.D.Chandra Mouli. Based on the power of attorney, the petitioner entered into a sale agreement with the 3rd respondent in respect of the properties in question on 12.09.2024 for a sum of Rs.1,82,44,275/- and he received a sum of Rs.25,00,000/- as advance. When the petitioner presented the said sale agreement dated 12.09.2024 for registration, the 2nd respondent has refused to receive the same. Aggrieved by the same, the petitioner has filed an appeal dated 27.09.2024 before the 1st respondent, which is still pending. In the meanwhile, the petitioner has also filed this Writ Petition, seeking a direction to the 2nd respondent to receive the sale agreement dated 12.09.2024 and register the same.



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3.The learned counsel appearing for the 3rd respondent would submit that the petitioner died on 13.09.2009 and a copy of death certificate is also produced before this Court. He would further submit that by creating false documents, this Writ Petition is filed as if the said N.D.Chandra Mouli is alive. Therefore, he opposed this Writ Petition.

4.On perusal of the affidavit filed in support of this petition, it is seen that the petitioner has already entered into a sale agreement in respect of the very same properties in question with one Manoharan on 17.04.2007, which is also registered. This Court, in its order dated 02.09.2024 made in W.P.(MD)No. 26804 of 2022, held that the agreement dated 17.04.2007 is not enforceable in law and directed the 2nd respondent herein to remove the entry made in the encumbrance certificate with regard to the sale agreement dated 17.04.2007. In the said order, it is also observed that the said N.D.Chandra Mouli died on 13.09.2009. Now, the power agent has filed this Writ Petition on 19.10.2024 as if the said N.D.Chandra Mouli is alive. It is nothing but a clear fraudulent act and fabrication of the records. Hence, this Writ Petition is dismissed with cost of Rs.50,000/- (Rupees Fifty Thousand Only), which is to be paid by the said Dharmaraj to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No:



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30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai

(2001)] within a period of seven days from today (23.10.2024).

5.The Deputy Superintendent of Police, Kulithalai is directed to initiate criminal proceedings against the said Dharmaraj and ensure that the matter reaches its logical conclusion.

6.Post for compliance for paying cost on **11.11.2024**.

23.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

- 1.The District Registrar,
District Registration Office,
Karur, Karur District.
- 2.The Sub Registrar,
Nangavaram Sub Registrar Office,
Kulithalai Taluk, Karur District.
- 3.The Deputy Superintendent of Police,
Kulithalai, Karur District.



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N.SATHISH KUMAR, J

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