



W.P.(MD).No.12232 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.12232 of 2017

and

W.M.P.(MD)No.9408 of 2017

P.Kalyanasundaram

...Petitioner

Vs

1.The District Registrar (Administration),
Madurai (South), Madurai District.

2.The Sub Registrar,
Chekkanurani, Madurai.

3.Dhanalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent dated 08.06.2017 in Mu.Mu.K.No.8201/Aa2/2016 and quash the same insofar as the consequential direction issued for the registration of a criminal case against all persons concerned with the sale deeds impugned therein.

For Petitioner : Mr.N.Dilip Kumar

For R-1 and R-2 : Mr.S.P.Maharajan
Special Government Pleader



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For R-3 : Mr.S.Rajasekar

ORDER

Heard Mr.N.Dilip Kumar, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 & 2 and Mr.S.Rajasekar, learned counsel for the 3rd respondent.

2. This Writ Petition has been filed challenging the order passed by the first respondent dated 08.06.2017, insofar as the consequential direction issued for the registration of a criminal case against all persons concerned with the sale deeds impugned therein.

3. In spite of holding that the first respondent does not have authority to conclude as to whether the document is fraudulent in view that Circular 67 stayed by this Court, however had proceeded further to grant a direction to register a criminal complaint by holding that the document had been registered fraudulently. When the authority did not have power to decide whether the document has been fraudulently registered under Circular 67, further direction issued by them cannot be sustained.



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4. In view of the same, the Writ Petition is allowed and the impugned order dated 08.06.2017 is set aside. If any persons aggrieved against such fraudulent registration, they are at liberty to approach the Civil Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Registrar (Administration),
Madurai (South), Madurai District.
- 2.The Sub Registrar,
Chekkanurani, Madurai.



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K.KUMARESH BABU, J.

Nsr

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