



W.P.(MD)No.27388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27388 of 2024

and

W.M.P(MD) Nos.23181,23182 and 23183 of 2024

K. Ilayaraja

... Petitioner

Vs.

1.The Sub Registrar
Boghallur,
Ramanathapuram District

2. The Inspector of Police
Economic Offences Wing,
Vellore District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent vide Na.Ka. No. 65/PO.QP/Vellore/ 2023 dated 19.05.2023 and quash the same, consequently direct the first respondent to remove all the encumbrances entered in records in pursuant to the impugned proceedings of the second respondent dated 19.05.2023.



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For Petitioner : Mr.S.Ramsundarvijayraj
For R-1 : Mr. M. Muthumanikkam
Government Advocate(Civil Side)
For R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner has filed this petition seeking to quash the communication sent by the second respondent to the first respondent in Na.Ka. No.65/PO.QP/Vellore/ 2023 dated 19.05.2023 since according to the petitioner based on the communication the petitioner's property could not be dealt with and the Sub Registrar is not entertaining any document filed on behalf of the petitioner, hence filed this petition.

2. The further contention of the petitioner is that the accused 1 to 9 in Crime No.2 of 2019 started a company in the name of Madhuram Properties Promoters India Limited in the year 2011. Several depositors had been lured under various schemes projected by the Madhuram Properties. The petitioner joined in the company as one of the depositors under the land purchase scheme and paid deposit under the said scheme. the accused company provided the land measuring 307.02 acre at



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Boghallur Village, Ramanathapuram District by executing sale deed on 14.03.20218 registered as document No.225/2018 and 226/2018. In such circumstances issuance of notice including the petitioner's property in the survey number is not proper.

3. The learned Additional Public Prosecutor submitted that the petitioner on mere apprehension of espousing the cause of named accused under the guise of the depositors. He further submitted that a case in Crime No. 2 of 2019 for the offences under Sections 406,420,120(B) of IPC and Section 5 of TNPID Act has been registered against Madhuras Properties Promoters India Limited and the officers associated with the finance. Further to safeguard the interest of the depositors and certify the value of the property request has been made to the first respondent to provide encumbrance certificate, copy of the documents, value of the property, guideline value of the property , market value of the property which no way affect the petitioner or concern of the petitioner in any manner.



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4. Considering the fact that it is only a communication sent by the investigation officer to aid his investigation in Crime No.02 of 2019 to the first respondent which the petitioner has no locus, hence the petition is liable to be dismissed.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

19.11.2024

NCC : Yes / No

Index : Yes / No

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To

1.The Sub Registrar
Boghallur,
Ramanathapuram District

2. The Inspector of Police
Economic Offences Wing,
Vellore District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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