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W.P.No.36372 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36372 of 2024

1.K.Rajinish Kumari Rai

2. R.Mathiazhagan

... Petitioners

Vs.

1.The Government Of Puducherry
Department Of Revenue And Disaster Management,
Inspector General Of Registration, Puducherry.

2.The Government Of Puducherry,
Registration Department,
Rep. By Its District Registrar, Puducherry.

3.Tmt.Nurselvi

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of

India praying for issuance of a writ of Certiorari, Call for the records



W.P.No.36372 of 2024

of the proceedings of the second respondent in No.No.5585/DRO/
RD/ FRADULENT / REG./2022/575, dated 28.03.2022 quash the
same in respect of cancellation of sale deeds in document No.
5826/2011 and 5827/2011 dated 17.10.2011 on the file of SRO,
Villianur.

For Petitioner : M/s.S.P.Sudalaiyandi

For Respondents : M/s.M.Nirmal Kumar Govt.
Advocate (P)
for R.1 & R2.
: M/s.Gopika Nambiar
for R.3.

ORDER

The petitioners have moved this Writ Petition seeking to quash
the proceedings of the 2nd respondent in a proceeding bearing
No.5585/DRO/RD/FRAUDULENT/REG/2022/575 dated 28.03.2022.

2. The petitioners who have compromised the dispute with the
3rd respondent and after receiving a sum of over Rs.1,00,00,000/-
from her are time and again instituting proceedings totally suppressing



the compromise that has been entered into between the petitioners and the 3rd respondent and have approached this Court suppressing all these facts.

3. To demonstrate the above conduct of the petitioners, the brief facts of the case are hereinbelow set out.

Facts of the case:-

(i) Petitioner's contention:-

4. The petitioners would submit that one Kumar, S/o of Marimuthu was the owner and in enjoyment of the larger extent of the property comprised in RS.Nos.154 and 155/2, Villianur Revenue Village, Villianur Puducherry. The property originally belonged to one Abdul Aziz Khan Saibu who had sold the property to one Jayaraman under a registered French Sale Deed vide document no.613, R.V.83/1944 dated 22.04.1944. The said Jayaraman had in turn sold the aforesaid property to one Marimuthu under a registered sale deed dated 21.12.1956. Marimuthu in turn had executed a Will in

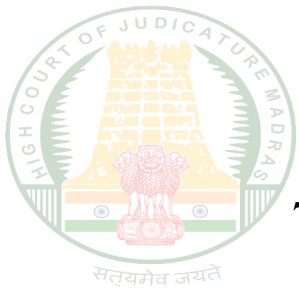


favour of his son Kumar which was registered as Document No.18/1994 dated 21.01.1994.

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5. It is also the case of the petitioners that the said Kumar was granted patta in respect of this property in patta no.28 by the Settlement Officer-II, Director of Survey by proceedings dated 18.10.2010 and he has been in the possession and enjoyment of the said property without any disturbance.

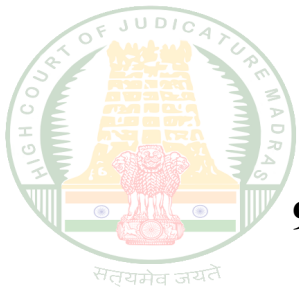
6. The petitioners had thereafter purchased the property from the said Kumar after verifying the title deeds and patta under a registered sale deed dated 17.10.2011. Under this deed the said Kumar had conveyed an extent of 01.79.50 hectares in R.S.No.154. He had also executed a sale deed in respect of an extent of 01.54.50 hectares in RS.No.155/2 in favour of the 1st petitioner under a registered sale deed dated 13.10.2011. Ever since the date of the purchase the petitioners have been in possession and enjoyment of the property.



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7. While so, according to the petitioners, the 3rd respondent had lodged a complaint with the 2nd respondent stating that these documents have been fraudulently registered as she was the owner of the property. Thereafter, an enquiry was conducted based on the complaint and the petitioners had appeared before the 2nd respondent and submitted all the documents relating to the aforesaid property. However, by the impugned proceedings dated 28.03.2022, the 2nd respondent had cancelled the documents executed in favour of the petitioners bearing Document Nos.5826 of 2011 and 5827 of 2011. The documents were cancelled on the basis of a circular issued by the Government of Puducherry under Circular No.4225/REGN/A3/DRO/2011 dated 05.08.2021.

8. The petitioners' contention is that against the order of the 2nd respondent they had preferred an appeal to the 1st respondent. The 1st respondent by his proceedings dated 27.11.2023 had closed the appeal filed by the petitioners without giving any reason.



9. It is also stated by the petitioners that thereafter the 2nd respondent had cancelled another document pertaining to some other party who had filed W.P.No.10124 of 2024 and by order dated 17.07.2023 this Court had quashed the proceedings of the 2nd respondent and had also set aside the circular dated 05.08.2021. Therefore, the petitioners would submit that the order that is impugned in the present Writ Petition has to be set aside as well.

(ii) 3rd Respondent's contention

10. The 3rd respondent had filed a detailed counter refuting the allegations contained in the Writ Petition and setting out in detail the suppression on the part of the petitioners herein. The 3rd respondent would submit that the premise on which the Writ Petition has been filed is that the sale deeds have been cancelled by the 2nd respondent by his order dated 28.03.2022 though he has no power to do so as the circular under which the 2nd respondent exercised his power had been set aside by the order of this Court. However, the petitioners have failed to appreciate that the sale deeds have not been canceled but

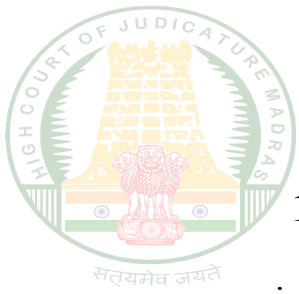


W.P.No.36372 of 2024

have been declared as fraudulent documents. Consequently, the fact has been recorded in the Index Book.

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11. The 3rd respondent would further submit that the very order declaring the documents as fraudulent had been passed only pursuant to the orders of this Court in W.P.No.3109 of 2022 and the impugned order stands independent of the circular dated 05.08.2021. The 2nd respondent had conducted an inquiry pursuant to the order dated 16.02.2022 in W.P.No.3109 of 2022 whereby the 2nd respondent was directed to consider the fraudulent registration of the two sale deeds executed in favour of the petitioners. In compliance of the said direction, the 2nd respondent had conducted a detailed enquiry after issuing notice to all the parties including the petitioners and had arrived at the conclusion that the petitioners had forged the parent documents of the subject property as indicated in the complaint preferred by the the Sub-Registrar, Villianur to the Superintendent of Police (CID) Pondicherry in respect of the fabricated sale deeds.



W.P.No.36372 of 2024

12. The basis therefore for the 2nd respondent to initiate the enquiry proceedings was the complaint preferred by the Sub Registrar, Villianur to the Superintendent of Police(CID) Pondicherry, against the Petitioners herein. Since the enquiry was kept pending on account of the non-appearance of the petitioners before the 2nd respondent, the 3rd respondent had filed W.P.No.3109 of 2022 to direct the 2nd respondent to conclude the enquiry as expeditiously as possible. This Court taking note of the fact that the petitioners herein were facing criminal proceedings before the Chief Judicial Magistrate, Pondicherry and since the complaint which formed the basis for registering the FIR was lodged by the Sub Registrar, Villianur himself, directed the 2nd respondent to conduct an enquiry and pass orders on merits after giving an opportunity to all the parties within a period of 4 weeks. This order was not challenged by the petitioners who were well aware of the said order. Thereafter, the 2nd petitioner had participated in the enquiry proceedings before the 2nd respondent and after hearing both parties, the impugned order came to be passed.



WEB COPY **13.** The 3rd respondent would submit that the petitioners had manipulated and created two settlement deeds dated 13.09.2010 under which one Krishnamoorthy settled the subject property in favour of his son Jai Ganesh, S/o Krishnamoorthy. Thereafter, the petitioners had created two sale deeds, both dated 17.10.2011, whereunder the said Jai Ganesh had sold the property to the petitioners under document nos.5826 and 5827 of 2011. The Sub-Registrar found that the document number of the French document referred to in the settlement deed is actually a sale deed involving a different transaction between different parties that was already registered by the Registration Department in the year 1996 and it had nothing to do with the property shown in the schedule to the fabricated documents.

14. Thereafter, the Sub Registrar had lodged an FIR for forgery and fabrication of records. The Police after completion of the investigation had charge-sheeted the petitioners and others which resulted in the initiation of criminal proceedings in C.C.No.929/2019



W.P.No.36372 of 2024

and 940/2019, on the file of Chief Judicial Magistrate, Pondicherry.

The trial in the above-said criminal cases is ongoing.

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15. The 3rd respondent would submit that the petitioners are infamous for land grabbing and for committing forgery and the same modus operandi had been adopted by them in the instant case where they started interfering with the 3rd respondent's peaceful possession and enjoyment of the property. This constrained the 3rd respondent to file a suit OS.No.1554 of 2017 before the I Additional District Munsif, Pondicherry. During the pendency of the suit, the petitioners herein had entered into a Joint Memorandum of Compromise dated 11.01.2023 with the 3rd respondent and after examining the petitioners on oath and recording their statements the compromise decree came to be passed on 20.01.2023. The petitioners had also receive the sum of Rs.1 Crore as stated in the Memorandum of Compromise.

16. Pursuant to this compromise decree, the 3rd respondent had made a proposal for forming a layout of house sites in the subject



W.P.No.36372 of 2024

property which was approved by the Pondicherry Planning Authority.

Since the Sub Registrar, Villianur had refused to register the Gift Deed executed by the 3rd respondent in favour of the Villianur Commune Panchayat, the 3rd respondent had filed W.P.No.9551 of 2024. In the said Writ Petition, the petitioners herein had filed an impleading petition and after hearing all the parties this Court had disposed of the above writ petition by order dated 26.04.2024 directing the registration of the Gift Deed. In the said order, this Court had recorded the findings with regard to the compromise of the suit O.S.No.1554 of 2017 and the various collateral proceedings taken by the petitioners herein. This order in W.P.No.9551 of 2024 was unsuccessfully challenged in Writ Appeal No.1644 of 2024 by the petitioners herein. Suppressing all these facts, the instant Writ Petition has been filed by the petitioners. The 3rd respondent therefore sought for its dismissal.

Submissions.

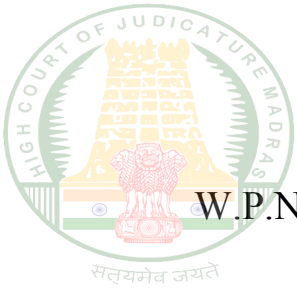
17. The argument that has been advanced by the learned counsel



W.P.No.36372 of 2024

for the petitioners, Mr.Sudalaiyandi, is that the 2nd respondent does not have the authority to cancel the sale deed in the light of the fact that the circular based upon which the sale deeds were cancelled has been quashed by this Court in the proceedings in W.P.No.10124 of 2023. The impugned order which has been passed drawing strength from circular cannot be sustained. He would also submit that the District Registrar, namely, the 2nd respondent herein did not have the powers to order an enquiry. Therefore, he would submit that the impugned order has to necessarily be set aside.

18. Per contra, M/s.Gopika Nambiar, learned counsel for the 3rd respondent would submit that the very basis of the arguments advanced by the learned counsel for the petitioners that the impugned order based on the circular has to be set aside cannot be sustained for the simple reason that the sale deeds have not been cancelled/ set aside and that apart the complaint has not been lodged by the 3rd respondent but the same has been lodged by the Sub-Registrar and the enquiry that has been undertaken is only as per the orders of this Court in



W.P.No.36372 of 2024

W.P.No.3109 of 2022. She would further submit that the petitioners

had compromised the dispute with the 3rd respondent and received a sum of Rs.1,00,00,000/-. The compromise decree was passed only after evidence of both the petitioners had been recorded and the compromise was signed and handed over to the Additional District Munsif, Pondicherry. The learned Judge had thereafter recorded the same and passed the compromise decree. She would submit that the petitioners have entered into the compromise after the passing of the impugned order which is the subject matter of this writ petition. She would also submit that even assuming that the circular had been set aside by the order of this Court, however, as per Rule 55 of the Pondicherry Registration Rules, 1969, the Registering Officer is bound to consider the objections that are set out thereunder. Clause (b) deals with forged documents. Therefore, the enquiry held by the 2nd respondent cannot be called into question even on this score as well.

19. She would also rely upon the judgment reported in (2008)

12 SCC pg 481 – K.D.Sharma Vs. Steel Authority of India Limited

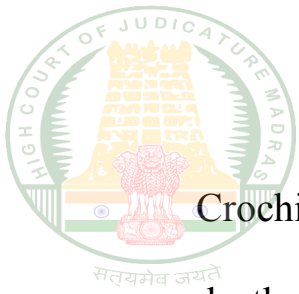


and Others to buttress her argument that where there is an abuse of the process of court or fraud played on the court, the court shall dismiss such applications at the threshold itself. She would also rely upon the judgments reported in *(2016) 10 SCC 767 – Satya Pal Anand Vs. State of Madhya Pradesh and Others* and *(1999) 8 SCC 16 – Maharaja Chintamani Saran Nath Shahdeo Vs. State of Bihar and Others*.

Discussions:-

20. Heard the counsel on either sides and perused the records.

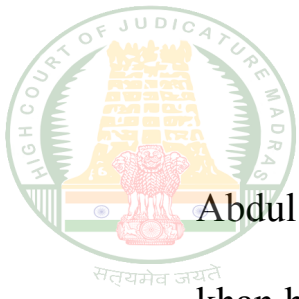
21. On a perusal of the documents that have been submitted and the pleadings of either party, it is seen that the subject property was purchased by Abdul Aziz Khan, son of Abdul Mazid Khan in a French Court Auction and was issued a French Court auction sale certificate dated 20.01.1914 by the Court of First Instance at Pondicherry. The said Abdul Aziz Khan had died intestate on 04.11.1947 at Pondicherry leaving behind him surviving his only son Crochild Jehan Khan alias



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Crochild Jehan Pacha, who inherited the subject property. After the death of the said Crochild Jehan Khan and his wife, Chousia Begam, the subject property devolved on his children Sultan Mohidine and Saadatunisa Begum. They had sold the subject property to the 3rd respondent under a registered sale deed dated 16.06.2017, pursuant to which the 3rd respondent had taken possession of the property in question. Therefore, from the year 2016, the property in question is in the possession of the 3rd respondent and prior to that it was in the possession and enjoyment of her vendors Sultan Mohidine and Saadatunisa Begum and their predecessors in title.

22. The writ petitioners would also admit that the subject property belonged to Abdul Aziz Khan, however they would contend that the property was sold by Abdul Aziz Khan to one Jayaraman under a French Sale Deed dated 22.04.1944. However, a copy of the sale deed dated 22.04.1944 has not been produced and only the sale deeds in favour of the petitioners have been filed. The petitioners claim, that the property was purchased by Jayaraman from the said



Abdul Aziz Khan on 22.04.1944 is a total falsehood since Abdul Aziz khan had passed away on 04.11.1942 itself.

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23. It appears that on 10.09.2010 two settlement deeds were executed by Krishnamoorthy in favour of his son Jaiganesh which is registered as document nos.4586 of 2010 and 4587 of 2010 on the file of the SRO Villianoor. The documents were registered on 13.09.2010. Thereafter, on the strength of two registered sale deeds vide document nos.5826 and 5827 of 2011 dated 17.10.2011, the petitioners herein claim title over the subject property. Therefore, the petitioners traces their title to the sale deed dated 22.04.1944 said to have executed by Abdul Aziz Khan Saibu in favour of Jayarman. Jayaraman in turn had executed a registered sale deed dated 21.12.1956 in favour of Marimuthu. Marimuthu had executed a will in favour of his son Kumar.

24. The said Kumar had executed a sale deed in favour of both the petitioners in respect of an extent of 01.79.50 hectares in



R.S.No.154 under a registered sale deed dated 17.10.2011. The said Kumar had also executed a sale deed in respect of an extent of 01.54.50 hectares in RS.No.155/2 in favour of the 1st petitioner under a registered sale deed dated 13.10.2011. Incidentally, the two settlement deeds dated 13.09.2010 registered as document nos.4586 and 4587 said to have been executed by Krishnamoorti in favour of his son Jaiganesh is also in respect of the very same extent in the same survey number. The settlee therein had not alienated the property to the petitioners herein. There is no explanation regarding these settlement deeds and how Krishnamoorthi, Jaiganesh and Kumar claim title to the property both tracing it to Jayaraman.

25. The Sub Registrar had registered a complaint against the petitioners for cheating and forgery and after investigation, the writ petitioners were arrested and a charge sheet filed which is taken on file of the Chief Judicial Magistrate, Pondicherry in C.C.Nos.929/2019 and 940/2019.



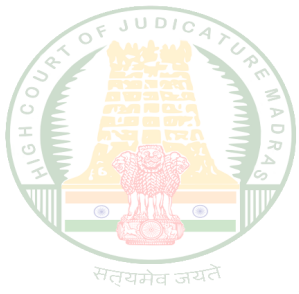
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26. The 3rd respondent herein had purchased the subject property on 16.06.2017 from the legal heirs of Abdul Aziz Khan. She had also thereafter filed a suit O.S.No.1554 of 2017 before the I Additional District Munsif Court, Pondicherry for injunction since there was disturbance to her possession by the petitioners herein. In the said suit, the petitioners had filed a counter claim seeking the following reliefs:-

"i. declaring that the sale deed dated 16.06.2017 registered as document No. 7778/2017 on the file of Sub-Registrar, Villianur, Puducherry as null & void,

ii. declaring that the deed of consent dated 16.06.2017 registered as document NO. 7780/2017 on the file of Sub-Registrar, Villianur, Puducherry is invalid & not binding upon these defendants,

iii. declaring that the Judgment and decree passed by Hon'ble III Additional District Judge at Puducherry in O.S No. 53/2010 dated 24.09.2010 is null & void and obtained by fraud,



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iv. *declaring that the deed of surrender of lease dated 30.11.2017 registered as document NO. 16521/2017 on the file of Sub-Registrar, Villianur, Puducherry as a fraudulent & dubious document,*

v. *declaring that the rectification deed dated 19.07.2017 registered as document NO. 9535/2017 on the file of Sub-Registrar, Villianur, Puducherry is a fraudulent document and non-est in the eye of law,*

vi. *To grant a decree in favour of these Defendants and as against the Plaintiff for permanent injunction restraining the Plaintiff her men and servants or anybody claiming under her from in any manner interfering with these Defendants peaceful possession and enjoyment of the counter claim schedule mentioned property."*

27. After filing a counterclaim, the petitioners and the 3rd



W.P.No.36372 of 2024

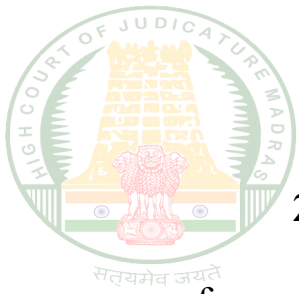
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respondent had entered into a compromise in the aforesaid suit. The present writ petition is silent about this compromise decree. In fact, on a reading of the said joint memorandum of compromise dated 11.01.2023, it is seen the petitioners have categorically stated that they have giving up their claim to the property as they have come to know about the "*subsequent rightful purchase of the suit property*" by the 3rd respondent and no useful purpose will be served by defending the suit and prosecuting the counter claim. They had relinquished their claim of title and interest obtained by them under the sale deeds dated 17.10.2011 and admitted that the 3rd respondent herein is the clear title holder and owner of the subject property. In the memorandum of compromise, they have also admitted that they have received a sum of Rs.1,00,00,000/- from the 3rd respondent herein by way of cheque bearing No.943170 drawn on the City Union Bank, Pondicherry.. Consequently, the suit was decreed and the counter claim was rejected. The compromise decree has been passed only after recording the oral evidence of the petitioners herein. They have also acknowledged receipt of the cheque for Rs.1,00,00,000/-.



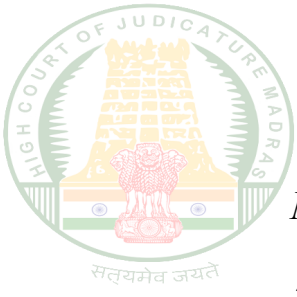
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28. The 3rd respondent herein had thereafter formed a layout of house sites and for this purpose had executed a gift deed in favour of Villianur Commune Panchayat. The said gift deed was not registered by the registering authorities on the ground that a protest petition has been filed by the petitioner herein. Therefore, the 3rd respondent had challenged the said order by filing a Writ Petition in W.P.No.9551 of 2024. The petitioners herein had got themselves impleaded in the said proceedings and appeared before the court through counsel. This court taking note of the compromise decree entered into between the petitioners herein and the 3rd respondent held that the petitioners were estopped from once again questioning the right of the 3rd respondent especially when the compromise decree was valid and in force. Ultimately, the Writ Petition was allowed and the District Registrar, Registration Registration Department, Pondicherry was directed to register the document (Gift Deed). This order was unsuccessfully challenged by the petitioners in Writ Appeal No.1644 of 2024.



29. Suppressing the above facts, the petitioners have come forward with this writ petition. This is nothing but a sheer abuse of the process of court and a fraud being played on court. The petitioners cannot be allowed to abuse the jurisdiction of this court under Article 226. The petitioners have come forward with this Writ Petition on the premise that their sale deeds have been cancelled on the basis of a circular which has been set aside by this court. However, as narrated above, by the impugned order, the 2nd respondent had not canceled the documents but has only passed the following orders:-

"(a) The Sub-Registrar, Villianur, Puducherry is instructed to make an entry in the Index of the Book-I as " the registration of i) Settlement Deed Doc. No.4586/2010 dt. 10.09.2010, ii) Settlement Deed Doc. No. 4587/2010 dt. 10.09.2010, iii) Sale Deed Doc. No.5826/2011 dt. 17.10.2011 & iv) Sale Deed Doc. No.5827/2011 dt. 17.10.2011 registered in the Sub-Registry, Villianur, Puducherry as "Fraudulently Registered Deed" vide Proceedings



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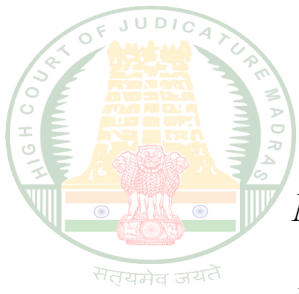
W.P.No.36372 of 2024

No.5585/DRO/RD/FRAUDULENT-REG/2022 dt.

28.03.2022 of the District Registrar, Puducherry;

(b) The Sub-Registrar, Villianur is directed to scan and upload the NOTE which is enclosed herewith declaring the registration of Settlement Deed Doc. No.4586/2010 dt. 10.09.2010, ii) Settlement Deed Doc. No.4587/2010 dt. 10.09.2010. Sale Deed Doc. No.5826/2011 dt. 17.10.2011 & iv) Sale Deed Doc. No.5827/2011 dt. 17.10.2011 registered in the Sub-Registry, Villianur, Puducherry as fraudulent in the e-pathiram software, in the last page of the referred Fraudulently Registered Deed;

(c) The Sub-Registrar, Villianur is directed not to carry out any registration based on il Settlement Deed Doc. No.4586/2010 dt. 10.09.2010, ii) Settlement Deed Doc. No.4587/2010 dt.10.09.2010, iii) Sale Deed Doc.



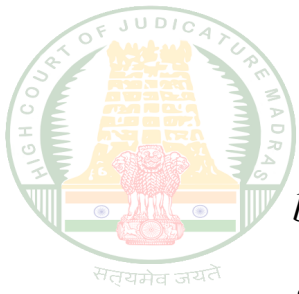
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W.P.No.36372 of 2024



No.5826/2011 dt. 17.10.2011 & iv) Sale Deed Doc.5827/2011 dt. 17.10.2011 registered in the Sub-Registry, Villianur, Puducherry, which has been declared as "fraudulently registered", besides petitioner viz., Tmt. R. Nurselvi, W/o. V.P. Ramalingam, who purchased the property from rightful & true owners viz., Thiru Mir Sultan Mohidine, & ii) Selvi. Saadattunisa Begum under Sale Deed vide Document No.7778 of 2017 Dt. 16-06-2017 on the file of the Sub-Registrar, Villianur, morefully mentioned in Table-2 herein above, shall be permitted to proceed further registration irrespective of the occurrence of the fraudulent registrations as per Circular vide No.4225/REGN/A3/DRO/2021 dt. 05.08.2021 issued by the Inspector General of Registration, Puducherry; &

(d) Any Party aggrieved by the orders of the District Registrar. Puducherry, may prefer an appeal



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W.P.No.36372 of 2024



before the Inspector General of Registration-cum-Secretary (Revenue), Puducherry, within 60 days from the date of receipt of this order."

30. That apart, Rule 55 of the Pondicherry Registration Rules, 1969 empowers the District Registrar to hold an enquiry in respect of the objections which are set out thereunder and on the objections that the Registering Authority is bound to consider that the document has been forged. This is a case where the petitioners had not produced the document of the year 1944 before this court, under which they trace title or the subsequent documents. The sale deed of the year 1944 is also questionable as the alleged vendor Abdul Aziz Khan had died in the year 1942 itself. Therefore, the claim of the petitioners which has its genesis to this fraudulent document and which is based on suppression of facts cannot be countenanced. The petitioner who have signed a compromise recognizing the title of the 3rd respondent has once again made a claim suppressing the said fact. The petitioners have also suppressed the receipt of the sum of Rs.1 Crore from the 3rd



respondent.

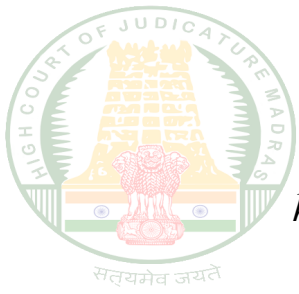
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W.P.No.36372 of 2024



31. In the judgment reported in **(2008) 12 SCC pg 481 – K.D.Sharma Vs. Steel Authority of India Limited and Others**, the allegations of fraud was raised by the appellant therein and while dealing with the same the Honble Supreme Court had observed as follows:-

"34. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court,



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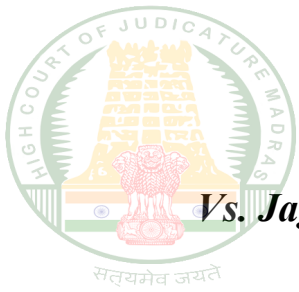
W.P.No.36372 of 2024



his petition may be dismissed at the threshold without considering the merits of the claim.

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it."

32. That fraud is an anathema in the dispensation of justice has been a time tested proposition and in respect of which courts have displayed zero tolerance from the case of ***S.P.Chengalvaraya Naidu***

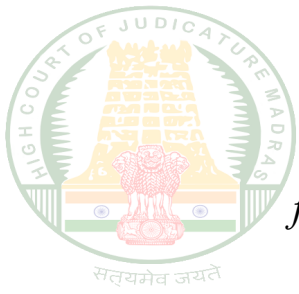


Vs. Jagannath reported in ***(1994) 1 SCC pg 1.***

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33. The remedy under Article 226 of the Constitution of India being an extraordinary and discretionary jurisdiction the Courts should consider the conduct of the parties while invoking this jurisdiction of the High Court. In the judgement of the Hon'ble Supreme Court reported in ***(2016) 10 SCC page 769 as Satya Pal Anand Vs. State of Madhya Pradesh & Others***, the learned Judge were considering the following facts:-

"Indisputably, the appellant entered into a compromise deed and accepted the consideration amount of Rs.6.50 Lakh. Despite that, he chose to file a dispute under Section 64 of the Act of 1960 before the Deputy Registrar, Cooperative Societies challenging the action of the Society in unilaterally executing and causing registration of the subject Extinguishment Deed dated 9th August 2001 and also the allotment of the subject plot to third party. Pending that dispute, he



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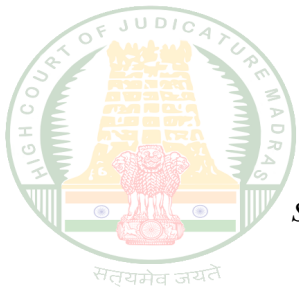
W.P.No.36372 of 2024



filed an application before the Sub-Registrar (Registration) for the same relief of cancellation of registration of the Extinguishment Deed and the subsequent deeds in favour of third parties. In addition, the appellant resorted to criminal complaint with reference to the same Extinguishment Deed and the subsequent deeds in favour of third parties. In this backdrop, the High Court declined to entertain the Writ Petition filed by the appellant, which was essentially to challenge the same Extinguishment Deed and subsequent deeds. "

34. The learned Judges observed that in a Writ Proceedings conduct of the petitioner have to be considered. They observed as follows in Paragraph No.25:-

"In exercise of writ jurisdiction, the High Court cannot be oblivious to the conduct of the party invoking that remedy. The fact that the party may have



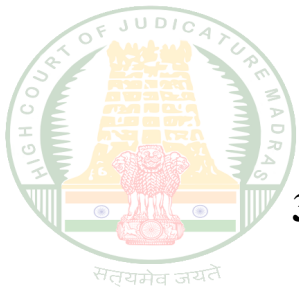
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W.P.No.36372 of 2024



several remedies for the same cause of action, he must elect his remedy and cannot be permitted to indulge in multiplicity of actions. The exercise of discretion to issue a writ is a matter of granting equitable relief. It is a remedy in equity. In the present case, the High Court declined to interfere at the instance of the appellant having noticed the above clinching facts. No fault can be found with the approach of the High Court in refusing to exercise its writ jurisdiction because of the conduct of the appellant in pursuing multiple proceedings for the same relief and also because the appellant had an alternative and efficacious statutory remedy to which he has already resorted to."

35. The elaborate discussion in the earlier paragraphs would clinchingly demonstrate the conduct of the petitioner and the fraud played on this Court.



W.P.No.36372 of 2024

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36. In view of the above discussions and taking into account the suppression of facts by the petitioners, the Writ Petition is dismissed with costs of Rs.50,000/-.The costs shall be paid to the 3rd respondent within a period of 1 month from the date of receipt of a copy of this order.

31.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1.The Government Of Puducherry
Department Of Revenue And Disaster Management,
Inspector General Of Registration, Puducherry.

2.The Government Of Puducherry,
Registration Department,
Rep. By Its District Registrar, Puducherry.



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W.P.No.36372 of 2024

P.T. ASHA. J.,

(shr)

W.P.No.36372 of 2024

31.01.2025

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