



WP(MD) NO. 1737 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-02-2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

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WP(MD) NO. 1737 of 2025

VR. Ragunath

Petitioner(s)

Vs

1.The Director

Directorate of Vigilance and Anti Corruption,
Alandur, Chennai

2.The Superintendent of Police,
Directorate of Vigilance and Anti Corruption,
Alandur, Chennai.

3.The Deputy Superintendent of Police,
Office of the Vigilance and Anti Corruption Department,
No.165.G, Alagarkoil Main Road,
Madurai – 625 002.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, directing the respondents to issue a writ of mandamus directing the respondents to conduct the preliminary enquiry as per Vigilance Manual based on the complaint dated 20.12.2024 given by the petitioner within the period that may be stipulated by this Court.

For Petitioner(s): Mr.Hendri Tiphagne
for Mr.V.Vishnu

For Respondent(s): Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner with a grievance that his complaint has not been acted upon by the respondent Vigilance and Anti Corruption Department as per the Vigilance Manual has

<https://www.mhc.tn.gov.in/judis>

approached this Court seeking a direction to the Vigilance and Anti Corruption Department to conduct a preliminary investigation on his complaint dated 20.12.2024.



2.The learned counsel for the petitioner submits that this petitioner is an Indian residing at Malaysia. He executed a power of attorney in favor of one Thiyyagarajan on 14.07.2020. The power of attorney document was notarized in Malaysia and was adjudicated before the Joint Sub Registrar No.IV, Madurai South. According to him the said Thiyyagarajan by obtaining forged life certificates has registered the documents in the office of Joint Sub Registrar No.IV, Madurai South on 25.08.2020. Those documents were subsequently cancelled by the District Registrar by initiating proceedings under Section 77 A of the Registration Act. The District Registrar cancelled the document, finding that the life certificate is a fake one, the signatures of the doctor found in the document is a forged one and the seal was also a fabricated one. In this regard a case was registered by the Central Crime Branch in Crime No.53 of 2024 on 27.11.2024, wherein Thiyyagarajan the beneficiary is A1 and one Jayakumar and Anitha, the real estate brokers are A2 and A3. This A2 has filed a writ petition before this Court in WP(MD)No.2508 of 2024 challenging the refusal slip issued by Joint Sub Registrar No.IV, Madurai South to register the settlement deed and by order dated 22.10.2024 a direction was issued by this Court to Joint Sub Registrar No.I, Madurai South to register the document. Though the direction was issued to the Joint Sub Registrar No.I, taking advantage of the order, the Joint Sub Registrar No.IV has issued an encumbrance certificate as if there is no encumbrance in the property and by giving clean chit without reference to the orders of the District Registrar.

3.The learned Counsel for the petitioner has relied on the order of this Court passed in CRLOP(MD)No.21211 of 2024, which was filed by A2 and A3 seeking anticipatory bail in Crime No.53 of 2024, wherein this Court has observed as under:



Court challenging the refusal check slip as if he wants to execute settlement deed in favour of Accused No.3. However, after an order passed by the Court, he immediately proceeds to register that order before the office of the Sub Registrar and ensures that it is reflected in the encumbrance certificate and the encumbrance certificate now gives a clean chit as if the order passed by the District Registrar has become a nullity. Actually that was not the order passed by this Court in W.P.(MD).No. 25084 of 2024 dated 22.10.2024. Hence, by getting an order, Accused Nos. 2 and 3 have ensured that they now have a clean chit to deal with the entire property.”

4.He further submits that by the order dated 22.10.2024 passed in WP(MD) No.25084 of 2024, this Court has set aside the refusal slip and directed to register the settlement deed presented by A2 in other case in favour of A3. However without registering the document, the Joint Sub Registrar No.IV, Madurai South has issued an encumbrance certificate projecting as if that the property is not having any encumbrance.

5.The learned Additional Public Prosecutor submits that the order passed by the District Registrar under section 77 A of the Registration Act has been subsequently set aside by this court in WP(MD)No.13188 of 2024 and therefore, it cannot be found that the Sub Registrar has committed a mischief. He further submits that already a criminal case was registered on the file of the Central Crime Branch with regard to the bogus doctor certificates and therefore there is no necessity for an enquiry by the Vigilance and Anti Corruption Department. Therefore they have not proceeded with the complaint of vague allegation made by the petitioner. He further submits that this allegation made by the petitioner was forwarded to the Inspector General of Registration, who in turn has appointed an enquiry officer to look into this issue.

6. This Court considered the rival submissions made.



7.The petitioner is having a grievance that by creating fake life certificates, were registered on the file of the Joint Sub Registrar No.IV, Madurai South. These documents were subsequently cancelled under Section 77A of the Registration Act by the

District Registrar. However, this cancellation order has been subsequently set aside. The accused Nos.2 and 3 in the other case have presented a document on the very same subject property for settlement. This document was refused to be registered by the Joint Sub Registrar No.IV, Madurai South by issuing a refusal slip and it was challenged by way of a writ petition before this Court in WP (MD)No.25084 of 2024, this Court wherein in the cause title instead of mentioning Joint Sub Registrar No.IV, it was mentioned as Joint Sub Registrar No.I and this Court has set aside refusal slip and directed the Joint Sub Registrar No.I to register the document. The Joint Sub Registrar No.IV taking advantage of the orders dated 22.10.2024 has recorded that there was no encumbrance on the subject properties. This according to the learned Additional Public Prosecutor is nothing but the orders of this Court dated 02.08.2024 passed in WP(MD)No.13188 of 2023.

8.This Court has taken cognizance of the order passed in WP(MD)No.13188 of 2023 and the order passed in WP(MD)No.25084 of 2024. This Court has also taken note of the fact that the Inspector General of Registration has taken this issue and ordered for an enquiry by letter dated 31.01.2025. Since the Inspector General of Registration has taken action by ordering for an enquiry and also considering the staff strength provided to the Vigilance and Anti Corruption Department, this Court is not inclined to issue any direction as prayed for.

9. Accordingly this writ petition is disposed of. No costs.



20-02-2024



To

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3. The Deputy Superintendent of Police
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