



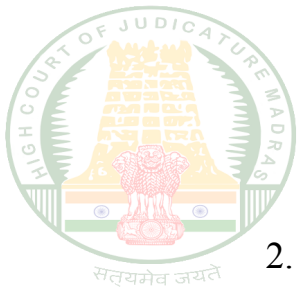
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W.P.No.25723 of 2023
and
W.M.P.Nos.25154, 25155 & 25668 of 2023

N.SATHISH KUMAR.J.,

The writ petition has been filed seeking a writ in the nature of mandamus directing the respondents 1 and 2 to take necessary steps for initiation of disciplinary action against the respondents 6 to 8 and to punish them in accordance with rules for having acted in an illegal manner and for not discharging their lawful duties and to redress the petitioner's grievance raised in the complaint dated 03.08.2023 along with two miscellaneous petitions seeking (i) interim injunction restraining the respondents 4 & 5 from taking any coercive measures in respect of registered sale deed in Doc.Nos.P22/2023, P23/2023 dated 26.06.2023 and Doc.No.P25/2023 dated 28.06.2023 on the file of the 5th respondent pending disposal of the writ petition' and (ii) interim direction to the 5th respondent to complete the registration and release the sale deeds pertaining to Doc.Nos.P22/2023, P23/2023 dated 26.06.2023 and Doc.No.P25/2023 dated 28.06.2023.



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2. The grievance of the petitioner is that he purchased certain immovable properties from one Naveen Balaji under two different sale deeds on 26.06.2023 and from one Manickavel on 26.06.2023. When the petitioner presented those documents for registration, the same were refused to be registered by the Sub Registrar, Vanur, citing Rule 55-A introduced in the Tamil Nadu Registration Rules despite the fact that first provision of the rule has been struck down by this court.

3. The official respondents of registration department took a stand that as the original title deeds were not produced for verification, the sale deeds presented by the petitioner were not registered.

4. During the course of argument, the learned Additional Advocate General contended that documents which had been presented by the petitioner for registration were not registered as there had been protest petitions received initially from one D.Ramraj and C.K.S.Karthikeyan and subsequently two other protest petitions from one E.Velu and Pon. Raja objecting to the registration of the documents either claiming to have advanced crores and crores of rupees as loan to the vendor and the vendor in turn handed over the title deeds of the properties as security or entered agreement of sale with the vendor and the



original title deeds are now with them. It is also seen from the typed set of papers filed by the petitioners that one more protest petition from one M.Sekar was also received on 14.08.2023.

5. However, it appears that, based on such protest petition, the documents presented by the petitioner were initially refused to be registered by the Sub Registrar and an enquiry was proposed to be conducted on the protest petitions. When Ramaraj and Karthikeyan had withdrawn their protest petitions, E.Velu and Pon.Raja made their protest petitions upon which an enquiry was ordered and the petitioner was also summoned for enquiry. It is seen from the typed set of papers filed by the official respondents that everyone, who have filed protest petitions one after another, claimed before the Sub Registrar that they had been in possession of original title deeds relating to the pending documents. Such statement made by each protest petitioner creates a serious doubt in the mind of this court over the entire transaction. This was overlooked by the Sub Registrar concerned. That apart, the Sub Registrar in his report recorded a finding to the effect that all the original title deeds were shown to him during enquiry and the same were returned to the parties who had produced them. This court is at a loss to understand as to how it was possible. This court is informed that based on the



interim directions of this court, now, the documents have been registered, however, those documents have been kept as pending documents.

6. The way and manner in which the act of the official respondents in refusing to register the documents is being defended before this court by the Government despite the legal position that first provision of rule 55(A)(i) has been declared as unconstitutional prima facie further strengthens the doubt entertained by this court over the entire sale transaction.

7. During the argument, it was also brought to the notice of this court the private parties one way or other connected to the political party functionaries. In such view of the matter a detailed probe is required in the matter, in particular, the reason behind the refusal of registration of the sale deeds. Without hearing the protest petitioners no order could be passed in the matter. Besides in order to unearth the true transaction between the parties, this court is of the view that presence of the Department of Income Tax, Government of India and Directorate of Enforcement are necessary in this writ proceedings. Therefore, this court suo motu impleads the parties who had objected to the registration of the sale deeds viz., (i) D.Ramaraj, Son of Duraraji, No.50, Saint Simonpet, Muthialpet, Puducherry 605 00; (ii) C.K.S.Karthikeyan, Son of Subramanian, No.97, Car



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Street, Sannadhi Street, Thirupathiripuliyur, Cuddalore 607002; (iii) E.Velu, Son of Ekanathan, No.91 & 92, Sri Ram Illam, Gangai Amman Kovil Street, Kodambakkam, Chennai 600 024; (iv) Pon. Raja, Son of S.Ponnurangam, Dasarathan Nagar, Lokaambigai Avenue, No.7, Mahakavi Bharathiar Street, Thadperumbakkam 601 204, Tiruvallur District; and (v) M.Sekar, Son of Marimuthu, No.36, Padamudi Palayam, Paramathi Vellur, Namakkal District 638182; (vi) The Director of Income Tax, Income Tax Investigation, Nungambakkam High Road, Chennai 600 034; and (vii) The Special Director, Directorate of Enforcement, Chennai.

8. The Registry is directed to print the name of the Standing Counsel for Directorate of Enforcement (ED), Mr.A.Kumaraguru for 14th respondent and name of the Senior Standing Counsel for the Income Tax Department Mr.A.P.Srinivas for the 15th respondent.

9. The petitioner shall take notice to the respondents 9 to 13 (newly impleaded private respondents) returnable by 26.09.2023 through court and private post.

10. The documents which had been presented for registration, though registered, were not released despite directions of this court issued on



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31.08.2023. In view of the orders passed today, this court does not want to pass any further order on the release of the registered document and suitable orders would be passed at the appropriate point of time either in the next hearing or in the further hearing.

Call on 26.09.2023.

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