



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 1821 of 2022

P.Jayaraj

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Collectorate Building, Salem.

2. The District Registrar,
Salem East,
Masinaickenpatti,
Ayothiyapattinam Via,
Salem District.

3. The Sub Registrar,
Vazhapadi,
Salem District.

4. P.Manickam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to conduct enquiry by considering the representation dated 03.11.2021 and pass appropriate orders within a stipulated period as fixed by this Court.

For Petitioner : Mr. R.Ezhilarasan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking direction to the respondents 1 & 2 to conduct enquiry by considering the representation dated 03.11.2021

2. The facts of the case are as follows:-

The property in S.No.237/1A measuring an total extent



3321.25 sq. ft. and other properties are ancestral properties. After the death of one Parasuraman, his legal heirs viz., petitioner, his mother and Thangaraj were entered into partition. The document was registered in Doc. No.2161 of 1997 in the office of the 3rd respondent on 29.09.1997. In the said partition, the petitioner was allotted D schedule property as the share of the petitioner. In the D schedule property, the land in S.No.237/1A measuring an total extent of 3321.25 sq. ft. allotted to the petitioner as item 2,3 and 4 as his share. In respect of the said property, the 4th respondent created the settlement deed in favour of his son without having any right over the property. The petitioner made a representation dated 03.11.2021 to the respondents seeking to cancel the settlement deed dated 08.04.2012 created by the 4th respondent. The same was not considered so far, the petitioner has filed the present writ petition seeking the above said prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioners representation dated 03.11.2021 to cancel the settlement deed dated 08.04.2012 created by the 4th respondent within a stipulated period as fixed by this Court.

4. The learned Special Government Pleader submitted that the Government has amended the Section 77-A of the Tamil Nadu Registration Act and the same is as follows:

"77-A. Cancellation of registered documents in certain cases.- (1) The Registrar, either suo motto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executing and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes. (2) The power under sub-section (1) may also be exercised by the Inspector General of Registration."

In view of the above new amendment act, the second respondent have power to conduct enquiry and if the document is forged one, he has power to cancel the document. Therefore, the learned counsel submitted that the representation will be considered and appropriate orders will be passed in the manner



known to law within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader and perused the materials available on record. No adverse order is passed against the 4th respondent and hence, notice to the 4th respondent is dispensed with.

6. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents 1 & 2 to consider the representation of the petitioner and conduct enquiry and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Deputy Inspector General of Registration,
Collectorate Building, Salem.
2. The District Registrar,
Salem East,
Masinaickenpatti,
Ayothiyapattinam Via,
Salem District.
3. The Sub Registrar,
Vazhapadi,
Salem District.

+1cc to Mr.R.Ezhilarasan, Advocate, S.R.No.7579

+1cc to the Government Pleader, S.R.No.8348

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NR(CO)
SU(03/03/2022)