

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.4696 of 2022

M.Karunanidhi

...Petitioner

Versus

1. The District Registrar,
Myladuthurai,
Myladuthurai District.

2. The Joint Sub - Registrar No. II,
Myladuthurai Sub Registrar Office,
Myladuthurai & Taluk,
Myladuthurai District.

3. Santharaman
4. Manimekalai

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 1st respondent to dispose of the Appeal filed by the petitioner on 21.09.2021.

For Petitioner : Mr.Gnansekar

For Respondents : Mr.Yogesh Kannadasan

Spl. Govt. Pleader for R1 & R2

ORDER

This writ petition has been filed for direction to the 1st respondent to dispose of the Appeal filed by the petitioner on 21.09.2021.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 and 2.

3. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

4. The case of the petitioner is that the petitioner owned a Punjai land situated at No.59, Mannampanthal Village, Myladuthurai Taluk in R.S. No.129 to an extent of 0.51 cents (153 kuzhi) by way of unregistered partition deed dated 06.01.1994, which was ancestral property. While so, he executed sale agreements with the 2nd respondent on 15.04.1997 and 23.07.1997. It is averred that respondents 2 and 3 created a forged sale deed on 09.04.1998, which resulted in the settlement deed dated 13.10.2010. It is his case that after expiry of sale agreements dated 15.04.1997 and 23.07.1997, he has not executed any sale deed in favour of the 2nd respondent, whereas to his shock and surprise, an encumbrance Certificate has been registered in favour of the 3rd respondent by the 2nd respondent on 01.01.2017 vide Doc. No.2999 of 2010 on the file of SRO II, Myladuthurai based on the said Settlement deed dated 13.10.2010. Thereafter, he lodged a complaint before the Law enforcing agency about the forged settlement deed and based on the said complaint, F.I.R. has been registered. Having not taken any further course of action, Crl. M.P. No.4227 of 2018 has been filed on the file of learned Judicial Magistrate No. I, Nagapattinam, where he expressed his willingness to proceed with separate Court Proceedings, but due to threatening by the law enforcing agency, he could not proceed. Therefore, he preferred appeal under Section 77(A) of the Registration Act before the 1st respondent for cancelling the fraudulent document allegedly executed by the 2nd respondent in favour of the 3rd respondent, for which, show cause notice has been issued to the respondents 3 and 4 and the petitioner for hearing on 3.3.2022, which has not been concluded, till date. Hence, the present writ petition has been filed for issuance of appropriate direction to the 1st respondent.

5. Reiterating the contents in the affidavit filed in support of this writ petition, the learned counsel for the petitioner submits that it would suffice if a direction is issued by this Court to conclude the enquiry, within a time frame to be stipulated by this Court.

6. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for respondents 1 & 2 fairly submitted that this Court may issue a direction to the 1st respondent to conclude the said enquiry, within a time frame stipulated by this Court.

7. Recording the submissions made by the learned counsel on either side, this Court disposes of this writ petition by

directing the 1st respondent to conclude the enquiry under Section 77(A) of the Registration Act, 1908 Act, within a period of six weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner as well as private respondents. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1. The District Registrar,
Myladuthurai,
Myladuthurai District.
2. The Joint Sub - Registrar No. II,
Myladuthurai Sub Registrar Office,
Myladuthurai & Taluk,
Myladuthurai District.

+1 CC to Mr.M.Gnanasekar, Advocate sr 17101
+1 CC to The Government Pleader sr 17767.

W.P. No.4696 of 2022

JPL(CO)
SP(28/04/2022)