



W.P.No.15451 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15451 of 2022

R.Kamatchi

... Petitioner

Vs.

1. The Deputy Registrar,
Commercial Tax and Registration Department,
Nandhanam,
Chennai 600 035.

2. The District Registrar (Administration),
Assistant Registrar for South Chennai,
Villupuram.

3. The Sub Registrar,
Pallavaram,
Chennai.

4. Mrs.C.V.Lalitha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the appeal dated 01.12.2021 of the petitioner within a limited time frame, against the order of the second respondent in Na.Ka.No.642/E2/2021 dated 21.09.2021, and till then the respondents 1 to 3 not to implement the said order of the second respondent.

For Petitioner
For R1 to R3

: Mr.G.Punniakoti
: Mr.Yogesh Kannadasan
Special Government Pleader



W.P.No.15451 of 2022

ORDER

WEB COPY

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to dispose of the petitioner's appeal dated 01.12.2021 filed against the order of the second respondent in Na.Ka.No.642/E2/2021 dated 21.09.2021 within a limited time frame, and till then the respondents 1 to 3 not to implement the said order of the second respondent.

2. Since no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

3. The case of the petitioner is that she is the owner of the property comprised in Survey Nos.119/2 and 119/3, Plot No.13, Jameen Pallavaram, Saidapet Taluk, Chengalpattu District, which were purchased from the fourth respondent through a registered Document No.262/2021. While so, the fourth respondent claimed that she is the owner of the aforesaid properties and disputed the sale claimed by the petitioner by submitting that the sale documents have been fabricated in order to grab the aforesaid properties. Therefore, the fourth respondent made a complaint before the



W.P.No.15451 of 2022

second respondent to cancel the fraudulent document. The second respondent allowed the complaint and set-aside the document standing in the name of the petitioner, and aggrieved by the said order of the second respondent, the petitioner preferred an appeal dated 01.12.2021 before the first respondent. Since the same was not considered, the petitioner has filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's appeal dated 01.12.2021 and pass orders on the same within a particular time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that, as against the order dated 21.09.2021 passed by the second respondent, appeal lies only before the Inspector General of Registration. However, instead of filing the appeal before the Inspector General of Registration, the petitioner preferred an appeal before the first respondent.



W.P.No.15451 of 2022

WEB COPY

6. Admittedly, on complaint of the fourth respondent, after adjudication, the second respondent had cancelled the document, against which, appeal has been preferred before the first respondent. However, as rightly pointed out by the learned Special Government Pleader appearing for the respondents, against the said order passed, appeal lies only before the Inspector General of Registration and not before the first respondent, and, therefore, the appeal is not maintainable. Hence, the prayer sought for in this Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out the remedy in the manner known to law before the appropriate authority.

22.06.2022

Index : Yes / No

Speaking Order: Yes/No

jd



W.P.No.15451 of 2022

To

WEB COPY

1. The Deputy Registrar,
Commercial Tax and Registration Department,
Nandhanam,
Chennai 600 035.
2. The District Registrar (Administration),
Assistant Registrar for South Chennai,
Villupuram.
3. The Sub Registrar,
Pallavaram,
Chennai.

M.DHANDAPANI,J.



WEB COPY



W.P.No.15451 of 2022

jd

W.P.No.15451 of 2022

22.06.2022