



W.P.No.33018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33018 of 2022

1. J.Deepika
2. J.Beena
3. S.Tharakeswari

.... Petitioners

-Vs-

- 1 The Inspector General of Registration,
Office of the Inspector General
of Registration Chennai.
- 2 The District Registrar
Kallakurichi.
- 3 The Sub Registrar
Sankarapuram Kallakurichi District.
- 4 Manickam Ammal
- 5 Uthara
- 6 Usha
- 7 Kannan
- 8 Sekar
- 9 Vijayan
- 10 Lalitha

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for



W.P.No.33018 of 2022

the issuance of a Writ of Mandamus directing the respondents to consider the representation dated 19.11.2022 and make entries in the register by cancelling the fraudulent documents under Doc.No.1738 of 2009, Doc.No.2122 of 2010 on the file of the Sub Registrar, Sankarapuram, Kallakurichi District.

For petitioners : Mrs.A.L.Gandhimathi

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader-for RR 1 to 3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider the representation dated 19.11.2022 and make entries in the register by cancelling the fraudulent documents under Doc.No.1738 of 2009, Doc.No.2122 of 2010 on the file of the Sub Registrar, Sankarapuram, Kallakurichi District.

2. The petitioners, in order to cancel certain documents which have been registered at the Sub Registrar Office ie., the respondent herein, has given a complaint / representation to the District Registrar on 19.11.2022. In order to consider the same and to pass orders on the complaint, the present writ petition has been filed.

3. Heard Ms.AL.Gandhimathi, learned counsel for the petitionersand



W.P.No.33018 of 2022

Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

4. Learned Special Government Pleader would contend that, though the representation dated 19.11.2022 has been made under Section 68(2) of the Registration Act, for the purpose of cancellation of documents, such a power since is vested with the District Registrar only under Section 77A of the Act as per the recent amendment, such representation / complaint given by the petitioners dated 19.11.2022 would be construed as a complaint made under Section 77A of the Act and accordingly it would be decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Considering the said submissions of the learned Special Government Pleader, by taking into account the factual matrix as projected by the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with the following order.

"That there shall be a direction to the second respondent District Registrar to consider the complaint / representation dated 19.11.2022 and decide the same after giving an opportunity of being heard to the petitioners as well as the private respondents



W.P.No.33018 of 2022

under Section 77A of the Registration Act 1908 within a period of eight weeks from the date of receipt of a copy of this order."

WEB COPY

6. With the above directions, this writ petition is disposed of. No costs.

07.12.2022

Index : Yes/No
Internet : Yes/No
KST
To

2/3

- 1 The Inspector General of Registration,
Office of the Inspector General
of Registration Chennai.
- 2 The District Registrar
Kallakurichi.
- 3 The Sub Registrar
Sankarapuram Kallakurichi District.



WEB COPY



W.P.No.33018 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 33018 of 2022

07.12.2022