



W.P.No.33494 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33494 of 2022
and WMP.No.32938 of 2022

K.Munusamy

... Petitioner

-Vs-

1. The District Registrar of Registration,
Thiruvallur District, Thiruvallur.

2. The Sub Registrar of Registration,
Manvalan Nagar SRO,
Thiruvallur District.

3. S.Kasthuri

4. Ellammal

5. S.Chandrasekar

6. S.Deenadhayalan

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the record of the second respondent pertaining to the partition deed dated 17.03.2017 registered as document No.535 of 2017 executed by the respondents 3 to 6 herein and to quash the same and consequently direct the first and second respondents to remove the entry of the partition deed in document No.535 of 2017 dated 17.03.2017 from their records.



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For Petitioner : Mr.S.P.Sudalaiyandi
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 & R2]

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the partition deed dated 17.03.2017 registered as document No.535 of 2017 executed by the respondents 3 to 6 herein and consequently direct the first and second respondents to remove the entry of the partition deed in document No.535 of 2017 dated 17.03.2017 from their records.

2. Eventhough such a prayer was sought for by the petitioner, Mr.S.P.Sudalaiyandi, learned counsel appearing for the petitioner, on instructions would submit that, the petitioner has confined with a prayer only to seek for a mandamus by way of direction to the first respondent i.e., District Registrar concerned to whom the complaint/representation has already been made on 30.08.2022m, to cancel the document in question, as according to the petitioner it is a bogus or fraudulent document within the meaning of Section 77 A of the Registration Act, 1908.



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3. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the first and second respondents, who would submit that, if the petitioner confined with the said prayer only to decide the representation submitted by the petitioner dated 30.08.2022 for cancellation of the document allegedly a fraudulent one according to the petitioner under Section 77 A of the Act, certainly that would be considered and decided after issuing notice to both sides on merits within a time frame that may be stipulated by this Court.

4. Having regard to the said submission made by the learned counsel appearing for both sides and recording the same, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the first respondent to conduct an enquiry on the application/complaint submitted by the petitioner dated 30.08.2022 in respect of the document in question under Section 77 A of the Act after giving an opportunity of being heard to the petitioner as well as the persons against whom such complaint has been made and pass orders thereon on merits and in



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accordance with law within a period of six(6) weeks from the date

of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

14.12.2022

Index : Yes/No

Speaking order: Yes/No

mp

Note: Issue order copy on 19.12.2022

To

1. The District Registrar of Registration,
Thiruvallur District, Thiruvallur.
2. The Sub Registrar of Registration,
Manvalan Nagar SRO,
Thiruvallur District.



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R. SURESH KUMAR, J.

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