



WEB COPY



W.P.No.33948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33948 of 2022 and
W.M.P.Nos.33436 & 33437 of 2022

S.Iqbal

... Petitioner

Vs

1.The Inspector General of Registration,
Office of the IG Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar (Administration),
in the cadre of Asst. Inspector General Registration,
Office of the District Registrar Registration,
Combined Building of the Registration Department,
No.182, Bharathi Salai, Royapettah
Chennai – 600 014.

3.A.Vanisree

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for records of the 2nd respondent, pertaining to his proceedings in Na.Ka.No.10786/A-2/2022, and subsequently Quash the order dated 26.09.2022, passed under Section 77-A of the Registration Act and consequently restore the status of the cancelled documents of



W.P.No.33948 of 2022

Doc.No.1753/2010, 1974/2010, 2751/2010, 298/2012, 1434/2016, 519/2017, 521/2017, Doc.No.4908/2018 of the Sub Registrar's office, Kodambakkam.

For Petitioner : Mr.A.P.Loganathan

For Respondents : Mr.R.P.Muruganraja
Govt. Advocate for R1 & R2

: Mr.K.V.Muthu Visakan for R3

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for records of the 2nd respondent, pertaining to his proceedings in Na.Ka.No.10786/A-2/2022, and subsequently quash the order dated 26.09.2022, passed under Section 77-A of the Registration Act and consequently restore the status of the cancelled documents of Doc.No.1753/2010, 1974/2010, 2751/2010, 298/2012, 1434/2016, 519/2017, 521/2017, Doc.No.4908/2018 of the Sub Registrar's Office, Kodambakkam.

2. In respect of documents viz., Document Nos.1753/2010, 1974/2010, 2751/2010 and 4908/2018 registered at Sub Registrar's Office at Kodambakkam, a complaint had been given by the 3rd respondent herein to cancel those documents under Section 77-A of the Registration Act



W.P.No.33948 of 2022

before the 2nd respondent.

WEB COPY

3. That complaint having been enquired was allowed by the order of the 2nd respondent dated 26.09.2022, challenging the said order, the present writ petition has been filed.

4. Heard Mr.A.P.Loganathan, learned counsel appearing for the petitioner, Mr.R.P.Murugan Raja, learned Government Advocate appearing for the respondents 1 and 2 and Mr.K.V.Muthu Visakan, learned counsel appearing for the 3rd respondent.

5. The learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel for the 3rd respondent submitted that, as against the order which is impugned herein dated 26.09.2022, appeal has already been filed by the petitioner before the 1st respondent and the said appeal having been taken for enquiry, a summon has been issued to the 3rd respondent, therefore let it be enquired upon and a decision be made by the 1st respondent on the appeal filed by the petitioner after hearing both sides at an early date that will give a quietus to the issue, they submitted.

6. The learned counsel for the petitioner would submit that, as



W.P.No.33948 of 2022

against the very same impugned order, some third party appeal has been filed and in that appeal only notice has been issued. Insofar as the appeal filed by the petitioner is concerned, no such summon has been issued even to the petitioner, therefore without even hearing the petitioner if the appeal filed by the petitioner is decided or any other appeal filed by any third party against the very same impugned order is decided without giving notice to the petitioner, the interest of the petitioner would get prejudiced, therefore the petitioner has challenged the very order of cancellation of deeds made by the 2nd respondent.

7. I have considered the said submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

8. Insofar as the order impugned dated 26.09.2022 passed by the 2nd respondent is concerned, it is an order passed under Section 77-A of the Registration Act, as against which ,admittedly the petitioner preferred appeal on 19.10.2022 under Section 77-B of the Registration Act and if the said appeal is filed and it is pending before the 1st respondent, the same can be decided on merits and in accordance with law after giving



W.P.No.33948 of 2022

notice to both the petitioner as well as all other third parties or the 3rd respondent herein who are connected with the properties in question covered under the documents which have been cancelled through the impugned order by the 2nd respondent.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

(i) There shall be a direction to the 1st respondent to decide the appeal filed by the petitioner dated 19.10.2022 against the order passed by the 2nd respondent dated 26.09.2022 by giving notice to both the petitioner and the 3rd respondent as well as any other third parties who are to be heard in this matter by the 1st respondent and an order to that effect shall be passed on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

(ii) In view of the aforestated directions where appeal already been filed, the veracity of the order passed by the 2nd respondent which is impugned herein need not be gone into.



W.P.No.33948 of 2022

10. With the above directions and observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2022

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

1. The Inspector General of Registration,
Office of the IG Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Administration),
in the cadre of Asst. Inspector General Registration,
Office of the District Registrar Registration,
Combined Building of the Registration Department,
No.182, Bharathi Salai, Royapettah
Chennai – 600 014.



WEB COPY



W.P.No.33948 of 2022

R.SURESH KUMAR, J.

Sgl

W.P.No.33948 of 2022

19.12.2022