



W.P.No.34168 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34168 of 2022
and W.M.P.No.33628 of 2022

A.Pandiyan

.... Petitioner

-Vs-

1. The Inspector General of Registration
Office of The Inspector General
of Registration No.120 Santhome High Road
Chennai-600 028.
 2. The District Registrar (Administration)
Office of the Registration
Department Chidhambaram Cuddalur District.
 3. The Sub Registrar
Sub-Registrar Office Kattumannarkoil
Cuddalur District.
 - 4 Ramalingam
 - 5 Paranidharan
- Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents No.1 to 3 to cancel the Sale Deed vide Document No. 1307 / 2014 on the file of the 3rd respondent in connection with Survey No. 119/6 only to an extent of 95 cents situated at Veerananallur Village Cuddalur District as per circular No. 415380 / U1 / 2017 dated 31.07.2018 and Circular No. 20217 / U1 / 2021 dated



W.P.No.34168 of 2022

09.07.2021 issued by the 1st respondent based on the petitioners representations dated 23.03.2022 within the time frame stipulated by this Honorable Court.

For Petitioner : Mr.A.Murthy
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents No.1 to 3 to cancel the Sale Deed vide Document No. 1307 / 2014 on the file of the 3rd respondent in connection with Survey No. 119/6 only to an extent of 95 cents situated at Veerananallur Village Cuddalur District as per circular No. 415380 / U1 / 2017 dated 31.07.2018 and Circular No. 20217 / U1 / 2021 dated 09.07.2021 issued by the 1st respondent based on the petitioners representations dated 23.03.2022 within the time frame stipulated by this Court.

2. It is the claim of the petitioner that, the property in S.No.119/6 to the extent of 95 cents situated at Veerananallur Village, Cuddalore District was purchased by the petitioner and he is the owner of the property. While that being so, by Document No.1307/2014 it has been meddled with by the 4th and 5th respondents and therefore, in order to cancel the same the petitioner has given a representation on 23.03.2022 to the respondents and in order to consider the same, the petitioner has moved the present writ petition.



W.P.No.34168 of 2022

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3. At the time of giving such representation, the law which was in force is that, even assuming that if it is a fraudulent registration or the document that cannot be cancelled by the registering authority, the parties were to be relegated to the Civil Court. However, after Act 41 of 2022 has come into force with effect from 16.08.2022, that power is vested with the District Registrars under Section 77A of the Act.

4. Therefore, the Mr.Yogesh Kannadasan learned Special Government Pleader appearing for the respondents 1 to 3 would submit that, the said complaint or representation made by the petitioner dated 23.03.2022 would be considered by the District Registrar / 2nd respondent within the meaning of Section 77A of the Act on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Having regard to the submissions made by the learned counsel for the parties, especially the learned Special Government Pleader appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.34168 of 2022

“That there shall be a direction to the 2nd respondent to decide the complaint / representation of the petitioner dated 23.03.2022 after giving an opportunity of being heard to both the petitioner as well as the private respondents herein and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.”

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

Consequently, connected miscellaneous petition is closed.

21.12.2022

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

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W.P.No.34168 of 2022

R. SURESH KUMAR, J.

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W.P.No. 34168 of 2022

21.12.2022