



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22779 of 2022

A.Balakrishnan

..Petitioner

Vs

1.The Deputy Inspector General of Registration,
TNAU Nagar, Rajakambeeram,
Othakkadai,Thirumogur Salai,
Madurai – 625 107.

2.The District Registrar of Registration,
Othakadai,
Madurai – 625 107.

3.The Sub Registrar,
Nilakottai,
Dindigul District.

4.A.Chinnu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Deputy Inspector General of Registration, the first respondent herein to consider and pass final orders on the appeal petition dated 18.4.2022 pending on the file of the first respondent in Na.Ka.No.3748/Aa4/2022, dated 29.7.2022 within the time frame fixed by this Court.

For Petitioner :M/s.V.Aruna

For Respondents:Mr.S.R.A.Ramachandran
1 to 3 Addl.Govt.Pleader

**ORDER**

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The Petitioner has prayed for issuance of a Writ of Mandamus directing Deputy Inspector General of Registration, the first respondent herein to consider and pass final orders on the appeal petition dated 18.4.2022 pending on the file of the first respondent in Na.Ka.No. 3748/Aa4/2022, dated 29.7.2022 within the time frame fixed by this Court.

2.Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner and fourth respondent are brothers.They have purchased several properties jointly and individually. Due to difference of opinion, they have decided to cultivate separately. Therefore some extent of land and other electrical appliances were settled in favour of the fourth respondent by way of settlement deed, dated 11.08.2008. Likewise, the fourth respondent executed settlement deed in favour of the Petitioner in respect of some lands. When that being so, the fourth respondent had unilaterally cancelled the earlier settlement deed made in favour of the Petitioner , dated 11.1.2008, on the file of the third respondent and the cancellation



to the Petitioner. Hence the Petitioner has filed an appeal on 18.4.2022 before the first respondent under Section 68(2) of the Registration Act and an enquiry was conducted on 16.8.2022, but till date no orders have been passed. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, would submit that the first respondent had disposed of the appeal petition on 9.9.2022, dismissing the same, stating that the act of the fourth respondent cancelling the settlement deed in favour of the Petitioner, does not come under the Section 82 of the Registration Act. The learned Additional Government Pleader further submits that the authority has the power to look into this aspect under Section 77-A of the said Act and if the Petitioner files appropriate application before the concerned authority, the same will be considered on merits and in accordance with law.

5.In view of the above submission, the Petitioner is directed to file revision/appeal petition before the authorities concerned redressing his grievance as expressed in the present Writ Petition under Section 77-A of the Registration Act and on receipt of such appeal petition/revision, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording an



opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs.

28.09.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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TNAU Nagar, Rajakambeeram,
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Dindigul District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.22779 of 2022

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