



W.P.No.2773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.2773 of 2023
and W.M.P.No.2896 of 2023

A/m Vedagireeswarar Thirukkoil
Thirukazhukundram-603 109
Chengalpattu District
Represented by its Executive Officer

.... Petitioner

-Vs-

1.The Inspector General of Registration
Santhome High Road,
Raja Annamalaipuram
Chennai 600 028.

2.The Sub Registrar
Thirukazhukundram
Chengalpattu District.

3.S.Surya

4.A.Dinesh Babu

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to cancel the sale deed in Document No.3884/2022 dated 11.07.2022 in favour of the 3rd respondent on the file of the 2nd respondent and the consequential power of attorney executed by 3rd respondent in favour of the 4th respondent in Document No.4244/2022 dated 27.7.2022 on the file of the 2nd respondent



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pertaining to the land situate in old survey No.28/27A1 and new survey No.587/2 587/78 587/79 587/80 and 587/81 of Thirukazhukundram and Taluk Chengalpet District based upon the representation of the petitioner dated 14.10.2022.

For Petitioner : Mr.R.Karthikeyan
For Respondents : Mr.P.Sathish
Additional Government Pleader – for RR1&2
Notice dispensed with – for RR 3 and 4

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st and 2nd respondents to cancel the sale deed in Document No.3884/2022 dated 11.07.2022 in favour of the 3rd respondent on the file of the 2nd respondent and the consequential power of attorney executed by 3rd respondent in favour of the 4th respondent in Document No.4244/2022 dated 27.7.2022 on the file of the 2nd respondent pertaining to the land situate in old survey No.28/27A1 and new survey No.587/2 587/78 587/79 587/80 and 587/81 of Thirukazhukundram and Taluk Chengalpet District based upon the representation of the petitioner dated 14.10.2022.

2. In respect of the property situated at old survey No.28/27A1 and new survey No.587/2 587/78 587/79 587/80 and 587/81 of Thirukazhukundram and Taluk Chengalpet District, pertaining to Document No.4244 of 2022 dated 27.07.2022, the petitioner had given a representation dated 14.10.2022 to the respondents for declaring the said document as fraudulent one within the



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meaning of Section 77-A of the Registration Act, 1908 and to cancel the same.

The said application has been given to all the respondents. Learned counsel for the petitioner wants this Court to give a direction to the District Registrar concerned to consider the application and pass orders under Section 77-A of the Act.

3. Heard Mr.P.Sathish, learned Additional Government Pleader for the official respondents. In view of the orders that is going to be passed in this writ petition notice to the private respondents is hereby dispensed with.

4. Learned Additional Government Pleader would submit that, no doubt the representation has been given by the petitioner dated 14.10.2022, not to the District Registrar who is the authority and who is competent to enquire the matter and decide the same within the meaning of Section 77-A of the Registration Act. Anyhow, copy of the representation since has been marked to the District Registrar, Chengalpattu, based on which the District Registrar can decide the said representation submitted by the petitioner after giving an opportunity of hearing to the petitioner as well as the private respondents and decide the issue on merits and in accordance with law within a time frame that may be stipulated by this Court.



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5. Considering the said submission made by the learned Additional Government Pleader and taking into consideration the factual matrix of the case, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the District Registrar, Chengalpattu to entertain the said application dated 14.10.2022 marked to the said authority and decide the same, after giving an opportunity of being heard to both the petitioner as well as the private respondents on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.
- Since the District Registrar, Chengalpattu is not a party to this writ petition, the petitioner shall forward a copy of this order along with a copy of the representation dated 14.10.2022 to the District Registrar, Chengalpattu, who, on receipt of the same, shall do the needful, as indicated above.
- Registry is directed to forward a copy of this order to the District Registrar, Chengalpattu for necessary action.

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

Consequently, connected miscellaneous petition is closed.

03.02.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To



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- 2.The Sub Registrar
Thirukazhukundram
Chengalpattu District.



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R. SURESH KUMAR, J.

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