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W.P.No.3867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3867 of 2023
and WMP.No.3943 of 2023

P.Mani

... Petitioner

-Vs-

1. The District Registrar,
Office of the District Registrar,
Salem District.

2. The Sub-Registrar,
Attur, Salem District.

3. The Special Tahsildar,
Attur Taluk, Salem District.

4. Prabakaran

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to cancel the partition deed dated 21.08.2012 registered as document No.4209 of 2013 on the file of the 2nd respondent by disposing of the petitioner's representation dated 30.12.2022 in light of Section 77-A of the Tamil Nadu Registration Act, 1908 within a time to be stipulated by this Court.



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For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
to R3]

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to cancel the partition deed dated 21.08.2012 registered as document No.4209 of 2013 on the file of the 2nd respondent by disposing of the petitioner's representation dated 30.12.2022 in light of Section 77-A of the Tamil Nadu Registration Act, 1908 within a time to be stipulated by this Court.

2. In respect of document No.4209 of 2013 on the file of the second respondent, which is a partition deed, the petitioner had given a complaint before the first respondent District Registrar to enquire the matter and to declare the partition deed document as a fraudulent or bogus document within the meaning of Section 77-A of the Registration Act, 1908 [in short, 'the Act']

3. In order to consider the said complaint-cum-representation given by the petitioner, the petitioner has moved the present writ petition.



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4. Heard Mr.A.Rajakumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

5. In view of the order going to be passed in this writ petition notice to the fourth respondent is hereby dispensed with.

6. Since under Section 77-A of the Act, the first respondent is empowered to enquire the matter, based on the complaint, if any given by the aggrieved party that if any documents already been registered, which according the complainant, is a fraudulent or bogus document within the meaning of Section 22-B of the Act, the present complaint given by the petitioner against the fourth respondent can be enquired by the first respondent and a decision can be made thereon after giving an opportunity of being heard to both sides.

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

That there shall be a direction to the first respondent to consider the complaint-cum-representation given by the



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petitioner dated 30.12.2022 and decide the same on merits and in accordance with law after giving notice to both the petitioner as well as the fourth respondent for being heard on merits and in accordance with law within a period of eight(8) 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.

10.02.2023

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

mp

To

1. The District Registrar,
Office of the District Registrar,
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2. The Sub-Registrar,
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Attur Taluk, Salem District.



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R. SURESH KUMAR, J.

mp

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