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W.P.No.2258 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.2258 of 2023
and WMP.No.2335 of 2023

R.Saradhamanidevi

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 28.
2. Additional Inspector General of Registration,
Office of IG Registration,
Chennai – 28.
3. Deputy Inspector General of Registration,
Madurai Division.
4. District Registrar,
Kariakudi.
5. Veerapandi Subbiah
6. R.Sankaranarayanan
7. S.Anbarasi
8. Sankarapandian

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certioraified Mandamus, calling for
the records pertaining to the 2nd respondent Letter No.21636/U1/2022



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by this Court in the orders cited herein by the petitioner within a time frame as may be fixed by this Court.

2. The petitioner had given a complaint against the private respondents before the fourth respondent District Registrar to enquire the matter and to declare the document in question as a fraudulent document and as a sequel to seek for filing of the same in the book volume No.1 at the concerned Registering office.

3. The said complaint given by the petitioner was considered and decided, of-course against the petitioner by the orders of the fourth respondent.

4. As against which, the petitioner filed an appeal to the third respondent, who also in turn confirmed the order passed by the fourth respondent, as against which, the petitioner filed further appeal to the second respondent i.e., Additional Inspector General of Registration, who in turn by communication dated 30.09.2022 has returned the said appeal to the petitioner stating that the complaint given by the petitioner was



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decided by the fourth respondent and appeal was also decided by the third respondent, when that being so, the petitioner can file a fresh complaint under Section 77-A of the Act to the District Registrar, who would consider it and decide the same.

5. Though this much of detailed reasons have not been given, the sum and substance of the reasons given by the second respondent in the impugned communication dated 30.09.2022 discloses and drive the petitioner to that direction. Therefore, challenging the said communication dated 30.09.2022, the petitioner has moved the present writ petition.

6. Heard Mr.J.Saravana Vel, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4.

7. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that earlier, provision 68(2) of the Registration Act, 1908 [in short, 'the Act'] alone was available, therefore,



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under the said provision, since the complaint was given by the petitioner, that was considered and decided by the original authority as well as by the Appellate Authority, as against which, when appeal was filed, the second respondent, though it fit to direct the petitioner to file a fresh complaint before the fourth respondent within the meaning of Section 77-A of the Act, in view of the recent amendment, which has come into effect from 16.08.2022. Therefore, the petitioner can take the said directive issued by the second respondent through the impugned communication in a right direction and accordingly, he can very well make a fresh complaint to the fourth respondent i.e., District Registrar within the meaning of Section 77-A of the Act and therefore, the impugned communication need not be interfered with by this Court, as the petitioner may not have any such grievance over the said communication, he contended.

8. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

9. Even though this Court suggested that why the petitioner should



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not make a fresh complaint as directed through the impugned communication to the fourth respondent District Registrar under Section 77-A of the Act, learned counsel appearing of the petitioner submits that the petitioner wanted only to conduct an enquiry and to declare that the document in question is a fraudulent document and as a sequel, the same can be registered in the concerned volume at the Registering Authority and if that is happened that would be suffice to the petitioner, learned counsel for petitioner contended.

10. In view of the said stand taken by the learned counsel appearing for the petitioner, as the petitioner does not want to give a fresh complaint to decide the same under Section 77-A of the Act, this Court having regard to the aforesaid facts and circumstances is inclined to dispose of this writ petition with the following orders:

- ◆ That the impugned communication is set aside and the matter is remitted back to the first respondent for reconsideration.
- ◆ While reconsidering the same, the appeal filed by the petitioner against the order passed by the third respondent confirming the order passed by the fourth respondent can be entertained and



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decided 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.

- ◆ It is made clear that, once the appeal is decided in one way or other, depending upon the outcome of the appeal to be decided by the first respondent, it is open to the petitioner to work out his remedy with regard to the registration of the said outcome in the concerned book of volume be maintained in the concerned Register office.

With these direction, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

01.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

R. SURESH KUMAR, J.



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mp

To

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