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W.P.No.3255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3255 of 2023

Mrs.Sujathamma

... Petitioner

-Vs-

1. The District Registrar,
Krishnagiri – 635 001.

2. The Sub-Registrar,
Hosur – 635 109,
Krishnagiri District.

3. B.S.Narayanappa

... 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 consider the petitioner's representation dated 18.08.2022 as per Section 77A of the Registration Act, 1908 within a stipulated time.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader [R1
and R2]



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ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 18.08.2022 as per Section 77A of the Registration Act, 1908 within a stipulated time.

2. In respect of the land at S.No.609/1 at Nallur Village, Hosur Taluk, Krishnagiri District, a complaint-cum-representation has been given by the petitioner on 18.08.2022 to the first respondent to enquire into the matter that the document pertaining to the land referred to above registered by the third respondent and various parties as fraudulent or bogus documents and a consequential relief.

2. In order to consider the said complaint-cum-representation given by the petitioner dated 18.08.2022, the petitioner has moved the present writ petition.

3. Stating the aforesaid factual matrix of the case as projected by the petitioner, Mr.M.Mohamed Riyaz, learned counsel appearing for the petitioner seeks indulgence of this Court.



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4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 and 2 and in view of the order going to be passed in this writ petition notice to the third respondent is hereby dispensed with.

5. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that even though the said complaint-cum-representation dated 18.08.2022 was given by the petitioner to the first respondent to take a decision under Section 68(2) read with Section 83 of the Registration Act, 1908[in short, 'the Act'], in view of the subsequent amendment having been made with effect from 16.08.2022, the said complaint given by the petitioner would be decided by the first respondent after completing the enquiry in this regard within the meaning of Section 77-A of the Act.

6. Having taken note of the said submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, 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 dated 18.08.2022 given



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by the petitioner against the third respondent and others and after

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conducting due enquiry in this regard by giving an opportunity of being heard to the petitioner as well as the third respondent or any other parties, who are connected with the alleged encumbrance of the property in question decide the same on merits and in accordance with law within the meaning of Section 77-A of the Act 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.

07.02.2023

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

To



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R. SURESH KUMAR, J.

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