



W.P.No.3008 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.3008 of 2023

C.Ravikumar

... Petitioner

-Vs-

1. The Inspector General of Registration,
Office of the Inspector General of Registration Office,
No.100, Santhome Road,
Raja Annamalaipuram, Chennai – 600 028.
2. The Deputy Inspector General of Registration,
Office of Deputy Inspector General of Registration Office,
Combined Commercial Taxes and Registration Office,
Ground Floor, Veterinary Hospital Road,
Pernpet, Nandanam, Chennai – 600 028.
3. The District Registrar (North Chennai)
Kuralagam Building, 1st Floor,
Chennai – 108.
4. The Sub-Registrar,
Sub- Registrar Office,
Redhills, Chennai – 600 052.
5. G.T.Raja

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent/Deputy Inspector General of Registration to dispose of the



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petitioner's appeal dated 18.01.2022 (acknowledged date 19.01.2022)
within the time framed by this Court.

For Petitioner : Mr.R.Venkatesulu
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1
to R4]

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent/Deputy Inspector General of Registration to dispose of the petitioner's appeal dated 18.01.2022 (acknowledged date 19.01.2022) within the time framed by this Court.

2. In order to cancel the document No.7434 of 2019 on the file of the fourth respondent by conducting an enquiry, the petitioner had given an application on 08.11.2019 to the third respondent District Registrar, who having considered the same passed an order on 26.11.2021 rejecting the plea raised by the petitioner.

3. As against which, though the petitioner has filed an appeal to the second respondent on 18.01.2022, in the meanwhile, since the Registration Act, 1908 has got amended by inserting the provisions 22-A,



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22-B and 77-A, where under the power is vested with the District Registrar and simultaneously to the Inspector General of Registration to entertain any such complaint against the alleged forged document and to cancel the same after conducting an enquiry, the petitioner also had filed an appeal on 24.01.2022 to the first respondent Inspector General of Registration.

4. In the circumstances, even though the prayer sought for herein is as stated above, Mr.R.Venkatesulu, learned counsel appearing for the petitioner seeks indulgence of this Court to give a direction to the first respondent to treat his appeal dated 24.01.2022 as an original petition within the meaning of Section 77-A sub-section 2 of the Registration Act, 1908[in short, 'the Act'] and accordingly by exercising the said power, the Inspector General of Registration can decide the appeal filed by the petitioner under Section 77-A(2) of the Act within a time frame on merits.

5. In this regard, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4 would submit



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that, as against the order passed by the District Registrar under Section 68(2) of the Act, the appeal would only lie to the second respondent Deputy Inspector General of Registration before whom on 18.01.2022 the appeal has been filed.

6. In the meanwhile, since the Act has got amended, under which, originally the power is vested with the Inspector General of Registration under Section 77-A(2) of the Act and if the petitioner wants to decide the said appeal dated 24.01.2022 filed before the first respondent treating it as original petition/complaint within the meaning of Section 77-A(2) of the Act that would be considered by the first respondent i.e., Inspector General of Registration after giving an opportunity of being heard to both the petitioner as well as the persons against whom such complaint has been given on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Considering the said stand taken by the learned Special Government Pleader appearing for the respondents 1 to 4 as well as the submissions made by the learned counsel appearing for the petitioner,



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this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the first respondent i.e., Inspector General of Registration to treat the appeal filed by the petitioner dated 24.01.2022 against the order passed by the third respondent i.e., District Registrar dated 26.11.2021 as an original petition/complaint within the meaning of Section 77-A(2) of the Act and accordingly, after giving an opportunity of being heard to both the petitioner as well as the persons against whom such complaint has been given, the same shall be 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.

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

03.02.2023

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



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R. SURESH KUMAR, J.

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To

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