



WEB COPY



W.P.No.4309 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.4309 of 2023

Raccky Surentharsingh

.. Petitioner

vs

1. The District Registrar
Office of District Registrar
Tiruvallur District.

2. The Sub Registrar
Office of Sub Registrar
Perambakkam
Tiruvallur District.

3. Vijayakumar

4. S.Hemamatthabai

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to conduct a detailed enquiry and cancel the sale deed dated 13.04.2017 registered as Doc.No.504 of 2017 on the file of the second respondent after affording a personal hearing to the parties' concern based on the petitioner representation dated 25.03.2021 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Sriram

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for respondents 1 & 2

Notice dispensed with
for respondents 3 & 4



W.P.No.4309 of 2023

WEB COPY

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent to conduct a detailed enquiry and cancel the sale deed dated 13.04.2017 registered as Doc.No.504 of 2017 on the file of the second respondent, after affording a personal hearing to the parties concerned, based on the petitioner representation dated 25.03.2021, within the time stipulated by this Court.

2. The petitioner had given a complaint-cum-representation on 25.03.2021 to the first respondent / District Registrar against the third and fourth respondents regarding the sale deed dated 13.04.2017 registered as Document No.504 of 2017 filed by the second respondent and to declare the same as fraudulent or bogus document with consequential relief to cancel this document.

3. The said complaint-cum-representation, submitted by the petitioner, since has not been taken up for hearing so far by the first respondent, the petitioner has moved the present writ petition.



W.P.No.4309 of 2023

4. Heard Mr.S.Sriram, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the official respondents. In view of the order going to be passed in this writ petition, notice to the private respondent is dispensed with.

5. Mr.Yogesh Kannadasan, learned Special Government Pleader would submit that, since the complaint-cum-representation was dated 25.03.2021, at that time, there was no amendment in the Registration Act, 1908, therefore, under the erstwhile provision namely 68(2) of the Registration Act, the said representation might have been given. However, from 16.08.2022, since the amendment has been made, where provisions like Section 77A has been inserted, in which, the power is vested with the District Registrars to declare the document, if it is bogus or fraudulent one, followed by the cancellation of the same by the Registering Authority. Therefore, since amendment has been made and representation also had been given by the petitioner, if it has not been decided so far, it would be decided by the first respondent / District Registrar by exercising his power under Section 77A of the Registration Act, 1908 within a time frame that may be stipulated by this Court.



W.P.No.4309 of 2023

6. The said submissions made by the learned Special Government Pleader appearing for the official respondents is considered. In view of the same, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the first respondent / District Registrar to consider the complaint-cum-representation given by the petitioner dated 25.03.2021 and decide the same after conducting an enquiry by giving 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.

7. With these directions, the writ petition is disposed of. There will be no order as to costs.

Index: Yes/No
Neutral Citation :Yes/No
drm

14.02.2023



W.P.No.4309 of 2023

To

WEB COPY

1. The District Registrar
Office of District Registrar
Tiruvallur District.
2. The Sub Registrar
Office of Sub Registrar
Perambakkam
Tiruvallur District.



WEB COPY



W.P.No.4309 of 2023

R. SURESH KUMAR, J.

(drm)

W.P.No.4309 of 2023

14.02.2023