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W.P.No.4273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4273 of 2023

T.Prema

.... Petitioner

-Vs-

The District Registrar (Administration)
Registration Department
Thiruvallur.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to consider the representation dated 12.01.2023 given by the petitioner herein and to conduct fair enquiry under Section 77A of the Registration Act as amended therein and within such time as may be prescribed by this Hon'ble Court.

For Petitioner : Mr.P.Kandasamy
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent herein to consider the representation dated 12.01.2023 given by the petitioner herein and to conduct fair enquiry under Section 77A of the Registration Act as amended therein and within such time as may be prescribed



W.P.No.4273 of 2023

by this Court.

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2. It seems that a complaint had been given by a third party against the petitioner pertaining to the document already registered, to enquire the matter within the meaning of Section 77-A of the Registration Act, as according to the complainant the document in question was fraudulent / bogus document. Therefore, to that effect enquiry was sought for by the third party against the petitioner, who stood as complainant before the respondent. The said complaint having been entertained, the respondent issued summon to the petitioner to appear and the petitioner also appeared before the respondent. Thereafter, second notice was given to appear before him on 30.12.2022. On that date, even though the petitioner appeared before the respondent, enquiry was not conducted. Thereafter, no communication has been received by the petitioner.

3. It is the grievance of the petitioner as projected by the learned counsel for the petitioner that, a copy of the complaint as well as supporting documents if any filed by the complainant against the petitioner has not been given and the power of attorney holder who executed the deed in both the cases seems to have not been summoned or enquired. Therefore, in order to unearth the truth the petitioner and all the parties have to be summoned and after giving fair opportunity, a decision shall be taken.



W.P.No.4273 of 2023

WEB COPY

4. Heard the learned Special Government Pleader, who submits that, if at all the petitioner wants a copy of the complaint and the documents if any, a copy of the same shall be served on the petitioner and thereafter, after giving an opportunity of hearing to the petitioner as well as other parties ie., the complainant and the power of attorney holder through whom the petitioner purchased the property who would also be enquired and thereafter decision would be taken.

5. Considering the aforesaid submissions of the learned counsel for both sides, especially the stand of the learned Special Government Pleader, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondent to give a copy of the complaint as well as the documents relied upon by the complainant against the petitioner under Section 77-A enquiry pending before the respondent to the petitioner within a period of two weeks from the date of receipt of a copy of this order.
- Thereafter, a hearing date can be fixed. On that date, the petitioner shall be given an opportunity of hearing to put forth his case and after hearing the complainant as well as the power of attorney holder from whom the petitioner purchased the property



WEB COPY



W.P.No.4273 of 2023

as bonafide purchaser, who also shall be enquired and then a decision can be arrived at by the respondents as to whether the complaint given against the petitioner by the third party is to be allowed or not on merits and in accordance with law.

- The needful as indicated above shall be undertaken by the respondent within a period of twelve weeks from the date of receipt of a copy of this order.

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

14.02.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The District Registrar (Administration)
Registration Department
Thiruvallur.



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W.P.No.4273 of 2023

R. SURESH KUMAR, J.

KST

W.P.No. 4273 of 2023

14.02.2023