



W.P.No.4943 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4943 of 2023

P.D.Selvaraj

.... Petitioner

-Vs-

1 The District Registrar
Registration Department Kanchipuram
Kancheepuram District- 631 601.

2 Anthonysamy

3 Motcha Mary

.... 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 cancel the (i) Sale Deed registered as Document No.3370 of 2007 dated 08.02.2007 at the Sub- Registrar Office Sriperumbudur and (ii) Settlement deed registered as Document No.146 of 2017 dated 25-01-2017 at the Sub - Registration Office Sunguvarchatram Considering the Petitioners Representations dated 02.01.2021 09.03.2022 and 02.02.2023 in accordance with law.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for R1

Notice dispensed with – for RR 2 and 3



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent to cancel the (i) Sale Deed registered as Document No.3370 of 2007 dated 08.02.2007 at the Sub- Registrar Office Sriperumbudur and (ii) Settlement deed registered as Document No.146 of 2017 dated 25-01-2017 at the Sub - Registration Office Sunguvarchatram considering the Petitioners representations dated 02.01.2021, 09.03.2022 and 02.02.2023 in accordance with law.

2. In respect of Document No.146 of 2017 dated 25.01.2017 registered at the SRO, Sunguvarchatram, the petitioner had given complaint on 02.01.2021, and 09.03.2022 to declare the document as a fraudulent document. However, subsequent to the amendment made in the Registration by inserting a provision viz., Section 77-A of the Act, the petitioner has given a fresh complaint on 02.02.2023 to the 1st respondent District Registrar against the private respondents herein within the meaning of Section 77-A of the Act. Therefore, in order to enquire the matter and pass orders thereon, the petitioner has moved the present writ petition.



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3. Heard the learned counsel for the petitioner and Mr.Yogesh Kannadasan learned Government Pleader for the official respondents. In view of the order that is going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

4. Learned Special Government Pleader appearing for the official respondents would submit that, the complaint lastly given by the petitioner dated 02.02.2023 would be enquired into and after giving an opportunity of hearing to both the petitioner as well as the private respondents, the same would be decided on merits and in accordance with law within the meaning of Section 77-A of the Act within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Special Government Pleader, this Court directs the 1st respondent to take up the said complaint dated 02.02.2023 submitted by the petitioner and decide the same after enquiring the matter by giving an opportunity of being heard to the petitioner as well as private respondents within the meaning of Section 77-A of the Act within a period of eight weeks from the date of receipt of a copy of this order.



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R. SURESH KUMAR, J.

KST

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

20.02.2023

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

The District Registrar
Registration Department Kanchipuram
Kancheepuram District- 631 601.

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