



WEB COPY



W.P.No.4740 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.4740 of 2023

G.Amudhavel

.... Petitioner

-Vs-

- 1 The Inspector General of Registration
Santhome High Road Mylapore
Chennai-600 004.
- 2 The District REgistrar
Office of the District Registrar
Tiruvannamalai.
- 3 The Sub - Registrar
Office of the Sub Registrar Vettavalam
Tiruvannamalai District.
- 4 Athiyayee
- 5 Hamnurisha
- 6 Nazreen
- 7 Ameer

.... 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 dispose the Petitioner Appeal dated 10.08.202 to set- aside the impugned order passed by the 2nd Respondent in Pa.Mu. En.59/ E/ 2022 dated 01.06.2022 to cancel the



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sale deed vide doc. No.1907/ 2015 dated 18.8.2017 registered before the 3rd Respondent.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for RR 1 to 3

Notice dispensed with – for RR 4 to 7

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent to dispose the Petitioner Appeal dated 10.08.2022 to set- aside the impugned order passed by the 2nd Respondent in Pa.Mu. En.59/ E/ 2022 dated 01.06.2022 to cancel the sale deed vide doc. No.1907/ 2015 dated 18.8.2017 registered before the 3rd Respondent.

2. The petitioner preferred a complaint before the 2nd respondent District Registrar against the private respondents to cancel the document within the meaning of Section 68(2) of the Registration Act. The said complaint given by the petitioner having been considered was rejected by the 2nd respondent by order dated 01.06.2022. Aggrieved over the same, the petitioner preferred an appeal before the 1st respondent I.G.of Registration on 10.08.2022. Therefore, in order to consider the said appeal and to decide the same on merits the petitioner has moved the present writ petition.



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3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents. In view of the order going to be passed in this writ petition, notice to the private respondents 4 to 7 is dispensed with.

4. Learned Government Pleader would submit that, as against the order passed by the District Registrar under Section 68(2) of the Act dated 01.06.2022 appeal filed by the petitioner dated 10.08.2022 would be entertained by the 1st respondent I.G.of Registration as per the power vested through the Government Order issued in this regard. Therefore, the appeal filed by the petitioner would be considered by the 1st respondent / I.G.of Registration, and after giving an opportunity of being heard to both the petitioner as well as the private respondents, final orders would be passed within a time frame that may be stipulated by this Court.

5. Considering the said submissions made by the learned Special Government Pleader, this Court is inclined to dispose of this writ petition with the following order.



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R. SURESH KUMAR, J.

KST

“That there shall be a direction to the 1st respondent I.G. Of Registration to consider the appeal dated 10.08.2022 filed by the petitioner and decide the same on merits and in accordance with law of course after giving an opportunity of being heard to the petitioner as well as the private respondents within a period of eight weeks from the date of receipt of a copy of this order.”

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

- 1 The Inspector General of Registration
Santhome High Road Mylapore, Chennai-600 004.
- 2 The District Registrar
Office of the District Registrar
Tiruvannamalai.
- 3 The Sub - Registrar
Office of the Sub Registrar Vettavalam
Tiruvannamalai District.

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