



W.P.No.19167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19167 of 2023

K.Sumathi

... Petitioner

Vs

1.The Inspector General of Registration,
No.100 Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.

2.The District Registrar,
Office of District Registrar,
J.C.K. Nagar,
Chengalpattu – 603 002.

3.The Sub Registrar Office,
Achirapakkam,
Chengalpattu District.

4.Thukkaram Reddy

5.C.H.Sumathi

6.Rousario Mervin

7.S.Archana

8.J.Sumithra

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 10.04.2023.



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For Petitioner : Mr.M.R.Vivekananthan

For Respondents : Mr.S.Ravichandran
Addl. Government Pleader for R1 to R3

ORDER

The writ petition has been filed to direct the respondents 1 to 3 to dispose of the representation dated 10.04.2023.

2. The allegations set out in the representation reveals that a fraudulent document has been registered and the petitioner has raised certain allegations regarding such fraudulent registration. In this regard, the petitioner has to submit complaint under Section 77-A of the Registration Act before the jurisdictional District Registrar (Administration), who in turn, on receipt, has to conduct an enquiry by affording an opportunity to all the parties and pass appropriate orders. In the present case, the petitioner has sent a representation to the Inspector General of Registration.

3. Mere sending representation would be insufficient to deal with the allegations under the provisions of Section 77-A of the Registration Act. A complaint must be in the proper form by impleading all the necessary parties, enabling the authorities to conduct an adjudication by following the



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procedures. Mere direction to dispose of the representation would do no service to the cause of justice. Contrarily, the litigants are back again before the Writ Court by filing another writ petition. Thus, all such applications/complaints are to be adjudicated on merits and by following the procedures.

4. In the present case, the petitioner has sent a representation to the Inspector General of Registration which is improper. Thus, the petitioner is at liberty to submit proper complaint before the District Registrar having jurisdiction and in the event of filing such a complaint, the authority shall conduct an enquiry by following the procedures as contemplated and by affording an opportunity to all the parties and thereafter pass orders on merits and in accordance with law as expeditiously as possible.

5. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

28.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

S.M.SUBRAMANIAM, J.



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Sgl

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To

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