IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19204 of 2023

C.A.Mani @ Manivel ... Petitioner

Vs.

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

2.The District Registrar,
Ariyalur,
Ariyalur District.

3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

4.Perumal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry and dispose my complaint dated 09.08.2021.

For Petitioner : Mr.K.Balu

For R1 to R3 : Mr.D.Ravichander
Special Government Pleader

ORDER

The Writ of Mandamus has been instituted to direct the 2nd respondent to dispose of the complaint dated 09.08.2021 filed by the writ petitioner within a stipulated time.

2. The petitioner states that he is the absolute owner of the property more fully described in the present writ petition. A civil dispute existed between the writ petitioner and the 4th respondent and the said dispute has been resolved through SC No.1184/1962. The petitioner succeeded in the Civil Suit and filed an Execution Petition in E.P.No.1392 of 1965 on 18.03.1966 and got recovery of possession.

3. The learned counsel for the petitioner states that the petitioner is in lawful possession and enjoyment of the subject property from the year 1966 onwards. While so, there was a fraudulent registration of sale deed at the instance of 4th respondent. In order to cancel the fraudulent registration, the petitioner submitted a complaint on 09.08.2021, which was not considered by

the authorities for the past two years and therefore, the petitioner is constrained to move the present writ petition. The learned counsel for the petitioner reiterated that the complaint filed by the petitioner is pending for the past two years and an enquiry was conducted on 10.08.2021. Pendency of the complaint is causing great prejudice to the interest of the petitioner as he is not in a position to deal with his own property.

4. Section 77A of the Registration Act was inserted by TN Act 41 of 2022 with effect from 16.08.2022. The very purpose and object of the amendment is to ensure that the documents registered fraudulently or an act of impersonation is established, then such documents can be cancelled by the District Registrar by conducting enquiry in the nature of summary proceedings. The very object of the Registration Act is to ensure that no person suffers from and out of such fraudulent documents or documents registered by impersonation. It would be difficult for the persons to approach the Civil Court to declare the documents as null and void, which is a compulsory process and would take long time. Contrarily, if the documents registered are prima facie found to be fraudulent or impersonated, then such documents can be cancelled by exercising the administrative powers

conferred on the District Registrar under the provisions of the Registration Act. Therefore, the power of the Civil Court has not been conferred on the Registrars by way of an amendment and there is no ambiguity in this regard.

5. Section 77-A of the Registration Act provides Cancellation of Registered Documents in certain cases. 'Certain cases' would indicate that the cases, where fraud or impersonation has been established and such fraud or impersonation must be within the ambit of Sections 32 to 35 of the Registration Act. Therefore, fraud in common parlance or in general cannot be adjudicated by the District Registrar by invoking the powers under Section 77-A of the Registration Act. The fraud or impersonation, in a restricted sense alone is to be adjudicated, more specifically, with reference to the provisions of the Act and by conducting an enquiry in the nature of summary proceedings.

6. In the event of fraud in general sense, threefold actions are permissible for an aggrieved person. An aggrieved person may prosecute the offenders under the criminal law. A civil suit may be instituted for appropriate relief. Thirdly, an aggrieved person may file a complaint under

Section 77-A of the Registration Act to cancel the document. All the three actions are independent and there is no impediment for initiation of all the three actions simultaneously by the aggrieved persons. That being the legal position, the power conferred on the District Registrar to cancel the document under Section 77-A of the Registration Act by conducting an enquiry need not be interfered with unnecessarily, since the amendment was objected to provide speedy relief to the persons aggrieved from and out of the registration of fraudulent documents or documents wherein impersonation has been established.

7. In order to clarify the scope of Section 77-A of the Registration Act, it is relevant to consider Part VI of the Registration Act, wherein "of Presenting Documents for Registration" are enumerated. Section 32 of the Registration Act denotes "Persons to present documents for Registration". Section 32-A of the Registration denotes "Registration by electronic means". Section 32-AA of the Registration Act states about "Compulsory affixing of photograph, etc.," Section 33 of the Registration Act defines "Power of attorney recognizable for purposes of Section 32." Section 34 of the Registration Act stipulates "Enquiry before registration by registering

officer". Section 34-A of the Registration Act stipulates "Person claiming under document for sale of property also to sign document". Section 34-B of the Registration Act contemplates "Procedure for Registration of document of Power of Attorney relating to immovable property". Finally, Section 35 of the Registration Act defines "Procedure on admission and denial of execution respectively".

8. Section 83 of the Registration Act confers power to the Registering officer to commence prosecutions. Once the document is cancelled under Section 77-A of the Registration Act, the District Registrar may commence prosecution based on the act of fraud or impersonation, which is proved.

9. Part VII of the Registration Act provides "Of Enforcing the Appearance of Executants and Witnesses". Section 36 of the Registration Act contemplates "Procedure where appearance of executant or witness is desired". Accordingly, if any person presenting any document for registration, or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer

may, in his discretion call upon such officer or Court as the State Government directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

10. Section 39 of the Registration Act denotes "Law as to summonses, commissions and witnesses", which reads as under:

> "*The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and mutatis mutandis, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.*"

11. Perusal of the above provision would reveal that the powers conferred on the Registrars are to be exercised only in certain cases, where fraud or impersonation is apparent on the face of record. In the event of existence of any disputed issues between the parties of civil nature, then the District Registrars are bound to relegate the parties to approach the Civil Court of law.

12. Question arises, how to determine, whether a document sought to be cancelled is falling under the definition of “certain cases” within the meaning of Section 77-A of the Registration Act. The scope of Section 77-A of the Act is to be understood with reference to the procedures contemplated under Sections 32 to 35, 36 and 39 of the Registration Act. The Registering Authority is empowered to conduct summary proceedings to ascertain the genuinity of the document registered by any person. In the event of any fraud or impersonation in this context of the provisions of the Registration Act then, the District Registrar is empowered to cancel the document by invoking Section 77-A of the Act. In respect of cases, where a dispute of civil nature exists between the parties, fraud beyond the scope of the provisions of the Registration Act, then the authorities have no option but to relegate the parties to the Civil Court of Law for resolving the issues.

13. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that an interim order has been passed by this Court in a writ petition, not to exercise the powers under Section 77-A of the Act by the District Registrars, till such time, the

Hon'ble Full Bench decides the issue, which is yet to be constituted. Thus, the interim orders are to be confined to the writ petition and admittedly Section 77-A of the Registration Act has not been stayed by the Courts. So long as the Act and Provision remains in the Statute are stayed or quashed by the Constitutional Courts, there is no impediment for the competent authorities to exercise power under the said provisions of the Act. Unless the provisions are declared as unconstitutional or null and void by the Constitutional Courts, certain interim orders passed in a writ petition cannot operate as an order in rem. Aggrieved persons are at liberty to redress their grievances in the manner contemplated under the provisions of the Registration Act.

14. The very purpose and object of the amendment is to ensure that the document registered fraudulently or through impersonation are cancelled by conducting a summary proceedings and within the ambit of the provisions of the Registration Act. The Deputy Registrar exercising excess power on certain circumstances is to be monitored and controlled by the Higher Authorities. Contrarily, the very spirit of the amendment cannot be allowed to be defeated by curbing the power unnecessarily. In other words excess

exercise of power by some authorities cannot be a ground to make the provision inoperative. Contrarily, the authorities are expected to relegate the procedures with the scope and ambit of the provisions of the Registration Act.

15. Various provisions of the Registration Act explicitly provides powers to the Registering Authority and the Appellate Authority to conduct an enquiry to ascertain the genuineness of the documents presented and registered and to identify the genuinity of the persons presenting the document. When power of enquiry has been contemplated under the Registration Act, cancellation of such documents in the event of any fraud or impersonation is just and imminent. Such a power has been conferred under Section 77-A of the Act. Thus, question of preventing the District Registrar from exercising the powers under Section 77-A of the Act does not arise as of now, since the provisions has not been declared as void or unconstitutional by any of the Constitutional Courts.

16. The general proposition of law is that the powers conferred to terminate implies power to its cancellation. The authority who is empowered

to do particular act must be provided with the power to cancel the same, if such authority subsequently found that the power has been erroneously exercised or he was mislead by fraud or impersonation.

17. The power to conduct an enquiry including issuance of summons to persons are existing under the provision of the Registration Act. Therefore, if the Registering Authority subsequently found that he was mislead for any such registration by way of fraud or impersonation, then he is empowered to cancel the registration by conducting summary proceedings and by affording an opportunity to the parties. In such circumstances if the parties are relegated to approach the Competent Civil Court of Law, they will be made to undergo a lengthy process by spending huge money. Civil Court procedures are lengthy and it will take long time for the parties to cancel such documents despite the fact that there is a fraud or impersonation on the face of the record. Therefore, the amendment made under Section 77-A has got a beneficial purpose and object, which would be greater relief to the persons against whose interest certain documents are registered by fraud or impersonation. Thus, preventing the authorities from exercising the powers conferred under Section 77-A of the Registration Act would do no service to

the cause of justice. Contrarily, aggrieved persons would be forcibly drawn to Civil Court and made to wait and suffer for several years.

18. Let us examine the scope of cancellation of registered document under Sections 22-A and 22-B of the Registration Act. Section 22-A denotes 'Refusal to register certain documents' by the registering authority. Section 22-B indicates 'Refusal to register forged documents and other documents prohibited by law.

19. Power conferred under Section 77-A of the Act is to cancel the document registered and not to declare the civil rights of the parties or adjudicate the disputed facts between the parties. Powers under Section 77-A cannot be expanded for the purpose of declaration of the registration document as null and void. Such a power has been conferred on the Civil Court of Law. Thus, a distinction is to be drawn between “declaration of document as null and void and cancellation of registered document under Section 77-A of the Act”. Cancellation of document alone can be done by the competent authorities by conducting summary proceedings. Declaration of a document as null and void with reference to the Civil Rights of the parties are

to be made only by the Civil Court of Law by conducting full fledged trial. Therefore, even after cancellation of a registered document under Section 77-A of the Act, civil dispute may exist between the parties on the very same document. For resolving the civil disputes even after cancellation of the document, the parties may approach the Civil Court of Law.

20. The power of adjudication under Section 77-A of the Registration Act is to identify, whether, there is any fraud apparent on record or impersonation on the face of the registered document. In the event of any dispute exist between the parties beyond the scope of provisions of the Registration Act, the parties are to be relegated to Civil Court of Law for adjudication of their rights. The District Registrar is expected to exercise restraint in adjudication of title, ownership or any civil rights between the parties. However, the authorities are empowered to verify the documents for the purpose of culling out the truth but they shall restrict themselves in exercising the powers for the purpose of making findings in respect of title. If the fraud or impersonation made in violation of Sections 32 to 35, 36 and 39 are identified then alone the District Registrar shall cancel the documents.

21. Part VI of the Registration Act, 1908 deals with 'Presenting documents for registration'. Section 32 enumerates 'Persons to present documents for registration'. Section 32-A deals with 'Registration by electronic means'. Section 32-AA denotes 'Compulsory affixing of photograph, etc.' Section 33 stipulates 'Power of attorney recognizable for purposes of section 32'. Section 34 deals with enquiry before registration by registering officer. Section 34-A enumerates 'Person claiming under document for sale of property also to sign document'. Section 34-B deals with 'Procedure for Registration of document of Power of Attorney relating to immovable property' and finally Section 35 deals with 'Procedure on admission and denial of execution respectively'.

22. In the context of the above provisions, if any fraud is identified, then the documents registered are to be cancelled. Pertinently, Section 35(2) of the Registration Act reads that "The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office." Sub-section 3 of Section 35

reads as under:

(3)(a)If any person by whom the document purports to be executed denies its execution, or

(b) If any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document as to the persons so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII.

1 [Provided further that the State Government may by notification in the Official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purpose of this sub-section and of Part XII.]"

23. Fraud in the context of the provisions of the Registration Act can be understood within the restricted meaning of "Statutory Fraud" but not the "Fraud" in common parlance. "Fraud" is an offence in general. Threefold actions are permissible for the offence of fraud. The Statutory fraud is to be dealt with by the competent authorities under the Registration Act to cancel the document. An aggrieved is at liberty to initiate action under the Criminal

Law. Thirdly grievances may be redressed through the Competent Civil Court of Law. All the threefold actions are permissible and there is no impediment for the simultaneous institution. Action initiated under Section 77-A of the Act is not a bar for initiating other two available remedies made available to the aggrieved persons. Each action is independent as the procedures contemplated and the consequences are distinct and different.

24. Registered documents are cancelled by conducting summary proceedings under Section 77-A of the Registration Act. Therefore, the aggrieved persons on account of the cancellation of the registered document cannot be prevented from approaching the Civil Court of Law for the purpose of establishing their civil rights in respect of the disputed facts, which is unconnected with the summary proceedings conducted under Section 77-A of the Registration Act. Therefore, fraud or impersonation in the context of the Registration Act is to be understood as "fraud apparent or impersonation on the face of record".

25. It is relevant to consider Order VI Rule 4 of the Civil Procedure, which enumerates 'Particulars to be given where necessary' - *"In all cases in*

which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading."

26. Therefore, the Civil Procedure Code, 1908 stipulates that allegation of fraud or misrepresentation must be specifically pleaded. When the Code of Civil Procedure provides a mechanism to deal with the allegations of fraud in civil suits, then pleadings regarding fraud must be specific. The Registering Authority cannot adjudicate disputed issues with reference to fraud in common parlance.

27. Cancellation of a registered document has got an implication on the civil rights of the persons. Property right is a constitutional right conferred under Article 300A of the Constitution of India. Such a right can be interfered with only by the authority of law and certainly not through summary proceedings. Property rights if infringed through summary proceedings on the hands of the District Registrar would result in

unconstitutionality. Thus, the scope of powers under the Registration Act to the District Registrars and the Appellate Authorities cannot be expanded for the purpose of adjudication of disputed issues of civil nature, which is conferred on the competent Court of law.

28. A distinction is to be drawn with reference to the procedures contemplated under the Code of Civil Procedure and the Registration Act. For example, any person executing a sale deed gets a property right. Once the property right is acquired by him through the sale deed, such right becomes a constitutional right. Thus, the said right can be taken away only by the authority of law. Such an authority of law must provide complete opportunity to the parties to adjudicate the issues based on the documents and evidences. The powers for adjudication of such nature is conferred to the Court of law. Thus, the said powers conferred on the Court of law cannot be transferred or conferred to the District Registrar under the provisions of the Registration Act and more so, District Registrars are neither legally trained nor authorised to conduct judicial natured proceedings. The Registrars are Quasi-Judicial Authorities.

29. Pertinently, Chapter V, Section 31 of the Specific Relief Act, 1963 contemplates 'When cancellation may be ordered'. Sub-section (1) of Section 31 stipulates *"Any person against whom a written instrument is void or voidable, and who has reasonable apprehension that such instrument, if left outstanding may cause him serious injury, may sue to have it adjudged void or voidable; and the court may, in its discretion, so adjudge it and order it to be delivered up and cancelled."*

30. In view of the provisions of the Code of Civil Procedure and Specific relief Act, the Competent Civil Court of law is empowered to adjudicate the disputed facts between the parties by framing issues and by conducting trials and consider the validity of the documents registered under the Registration Act. Once the Competent Civil Court of law declares a registered document as null, void or invalid, thereafter under Section 89(4) of the Registration Act read with Rule 89 of the Civil Rules of Practice, the Registering Authority is bound to register the decree passed by the Civil Court in Book No.1. The mechanism provided under the Code of Civil Procedure, Specific Relief Act and Civil Rules of Practice at no

circumstances be diluted. Thus, the scope under the Registration Act to cancel the documents on the ground of fraud or impersonation is undoubtedly limited. Comprehensive procedures contemplated under the Code of Civil Procedure, Civil Rules of Practice and the Specific Relief Act provide liberty to all the parties to establish and defend their case by producing documents and adducing evidence. Such a right of adjudication cannot be taken away by allowing the Registrar to declare the registered documents as null and void.

31. Section 22-B of the Registration Act reads as under:

> *"**22-B.** Refusal to register forged documents and other documents prohibited by law – Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:*
>
> 1. *forged document;*
> 2. *document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;*
> 3. *document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the*

time being in force or any Court or Tribunal;

4. *any other document as the State Government may, by notification, specify."*

32. The very insertion of the above Section in Tamil Nadu Act 41 of 2022 dated 16.08.2022, amplifies that registration of a fraudulent document and certain document prohibited under law are to be refused. Refusal of registration would arise only in respect of documents presented after amendment. Therefore, in respect of documents already registered, the District Registrar cannot have power to cancel the document, wherein the allegations of fraud or impersonation have been raised. Thus, the provisions cannot have retrospective effect, so as to confer the power on the District Registrar to adjudicate the documents, which were registered prior to the amendment. All those cases have to be relegated to the Competent Civil Court of law for adjudication.

33. Rule 55 of the Registration Rules reads as under:

"55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground

that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic."

34. Section 22-B of the Registration Act has to be read with Rule 55 of the Registration Rules. The Registering Authority, on receipt of any document for registration, if finds forged or registered through any unauthorised person is empowered to refuse registration. The circumstances as narrated under Rule 55 of the Registration Rules to be read along with the amended provision under Section 22-B of the Registration Act. Holistic reading of the above provisions would indicate that the Registering Authority is empowered to refuse registration, if the documents presented are found to be forged or impersonated.

35. It is just and necessary for the Inspector General of Registration to issue appropriate guidelines to all the District Registrars explaining their powers to conduct summary proceedings, on entertaining a complaint from any person to cancel the document on the ground of fraud or impersonation. In the absence of any such uniformity, there is a scope for inconsistency and possibility of infringement of property rights of the citizen and infringement would lead to unconstitutionality. Thus, it is imminent to issue such guidelines.

36. Undoubtedly, Section 77-A of the Registration Act confers *suo motu* powers to initiate actions based on the complaint received from any person. If any registered document contravenes any of the ingredients under Section 22-A or Section 22-B, then the Registrar or the authority competent is empowered to cancel the document.

37. As pointed out earlier, the scope of cancellation of document under Section 77-A is to be restricted with reference to the frauds if any committed and identified under Sections 32 to 35, 36 and 39 and in respect of other

issues relating to civil disputes cannot be dealt with under the provisions of the Registration Act. Section 77-B provides an "Appeal". Therefore, the authorities competent under the Registration Act are expected to borne in mind that no authority exceeds their jurisdiction or powers while dealing with the allegations of fraud or impersonation in the context of Sections 32 to 35, 36 and 39 of the Registration Act.

38. Plain understanding of the legal position would be sufficient to form an opinion that the provisions of the Statute are to be implemented scrupulously by the competent authorities for the purpose of redressal of grievances of each citizen of our Great Nation. Interim stay granted in a particular case cannot act as an order in rem, so as to prevent other aggrieved persons from redressing their grievances. Thus, the District Registrars are empowered to conduct an enquiry by way of summary proceedings and decide the complaint within the ambit of the provisions of the Registration Act. Certain interim orders or final orders, if granted and running counter to the very spirit of the purpose and object of the provisions of the Act, then those orders cannot have binding effect.

39. In this context, the following judgments are relevant. The Hon'ble Division Bench of this Court in the case of **Director of Sericulture Department vs. K.Kumar** reported in **2015 (4) CTC 241**, considered the binding nature of the orders, relying on the judgment of Honourable Supreme Court, which reads as under:

> *"34. It is true that consistency helps the parties to a litigation to know where they stand. But, when it is brought to the notice of the Court that on most of the earlier occasions, several similarly placed employees obtained orders at the stage of admission, on the ground that the issue is already covered by a decision of this Court and that it was only in this manner that several employees got a benefit that was not legitimately due to them, the Court cannot shut its eyes and choose to prefer maintenance of discipline rather than upholding public interest.*
>
> *35. As a matter of fact, the greatness of the Court lies only in its courage and ability to correct its mistakes. Justice is more precious than discipline. This was the principle that the Supreme Court highlighted in A.R.Antulay vs. R.S.Nayak [AIR 1988 SC 1531]. It was observed in the said decision that "in rectifying an error, no personal inhibitions*

should debar the Court because no person should suffer by reason of any mistake of the Court." The Supreme Court focused on the elementary rule of justice that no party should suffer due to the mistake of the Court. Therefore, this Court should not feel shackled either by the rules of procedure or by the principles of propriety, when it is so glaring that a gross injustice has been done to the State (1) by writ petitions getting allowed at the stage of admission and (2) by getting those orders implemented under threat of contempt. This is especially so when the earliest decision that was followed in all other cases, did not decide the scale of pay to be granted for Selection and Special Grades. Hence, the second contention of the writ petitioners is also liable to be rejected.

41. In Union of India v. Kartick Chandra Mondal [(2010) (2) SCC 422], the Supreme Court, relying upon its previous decisions in various cases including the one in State of Bihar v. Upendra Narayan Singh [(2009) 5 SCC 69], held that Article 14 is a positive concept and that it cannot be enforced in a negative manner. The Court further held that if an illegality or irregularity has been committed in favour of any individual or a group of *individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior Court for repeating or multiplying the same irregularity or illegality or for passing a wrong order. Interestingly, the decision of the Supreme Court in Kartick Chandra Mondal was subsequent to the decision in Maharaj Krishan Bhatt and the decision in Maharaj Krishan Bhatt is also referred to in Kartick Chandra Mondal."*

40. The Hon'ble Supreme Court of India in the case of **Basawaraj and Another vs. Special Land Acquisition Officer** reported in **(2013) 14 SCC 81**, held as follows:

"It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provisions does not envisage negative equality but has only a positive aspect. Thus, is some other similarly situated persons have been granted some relief / benefits inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a

> *trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or Court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior Court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order".*

41. Thus, this Court has no hesitation in forming an opinion that the powers conferred under Section 77-A of the Registration Act is to be exercised so long as it remains in the Statute book.

42. Hundreds of aggrieved persons are waiting for disposal of their complaints pending before the District Registrars concerned across the State of Tamil Nadu. Thus, the Inspector General of Registration shall ensure that such complaints are disposed of by following the procedures and as directed by this Court in a batch of writ petitions in W.P.No.4192 of 2018 and etc., batch dated 15.06.2023.

43. In view of the facts and circumstances, the respondents are directed to conduct an enquiry with reference to the complaint submitted by the writ petitioner on 09.08.2021 by following the procedures as contemplated.

44. With the above directions, this Writ Petition stands disposed of. No costs.

03.07.2023

Kak/Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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

2.The District Registrar,
Ariyalur, Ariyalur District.

3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

S.M.SUBRAMANIAM, J.

Kak/Jeni

W.P.No.19204 of 2023

03.07.2023