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W.P.No.31531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.31531 of 2023

G. Srinivasan

... Petitioners

Versus

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thazha Muthu Natarajan Building,
Egmore, Chennai.
2. The Inspector General of Registration,
Directorate of Registration,
100, Santhome High Road,
Chennai – 600 028.
3. The Registrar,
Principal District & Sessions Court,
Combined Court Building,
Chengalpattu
4. Mrs. Radha Ramesh
5. Mr. Ananda Ram Varadarajan
6. Mr. Karthik Sivaraman
- 7.Mrs. Padma Karthik
- 8.Sh.Ms. Ramesh ... Respondents
MS properties (Builder of the Surendra Homes, Pallavaram)
and Power Agent of respondents – 4, 5, 6 and 7.



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the second respondent to conduct an enquiry U/s. 77A of the Registration Act in the sale deed vide document No.9245/2014 dated 07.11.2014 with the description of schedule of property given therein and in the sale deed vide document No.10812/2014 dated 26.12.2014 with the description of schedule of property given therein both comprised in Survey Nos. 63/1B and 64/2 in Tambaram Taluk, Kancheepuram District, within the Registration District of Chennai South and to cancel the same.

For Petitioner : Party - in -Person

For Respondents : Mr. V. Sudalai Selvam
Standing Counsel for CMDA (for R1)
: Mr. Yogesh Kannadasan
Special Government Pleader (for R2 & R3)

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to conduct an enquiry under Section 77-A of the Registration Act in respect of the Sale Deed, vide Document No.9245/2014, dated 07.11.2014 with the description of schedule of property given therein and in the Sale Deed, vide Document No.10812/2014, dated 26.12.2014 with the description of schedule of property given therein, both comprised in S.No.63/1B and S.No.64/2 in Tambaram Taluk, Kancheepuram District, within the Registration District of Chennai South and to cancel the same.



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2. Heard the petitioner appearing in person, the learned Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second and third respondents. Since there is no adverse order passed against the second respondents 4 to 8, no notice is ordered. Notice to them are dispensed with.

3. The petitioner submitted that in the order passed by this Court, in the case of ***R.Banumathi and 2 Ors., Vs. The Inspector General of Registration, Chennai and 4 Ors., in W.P.No.34486 of 2022, dated 22.12.2022***, it has been held that as per Section 77-A of the Registration Act has got retrospective effect, and based on that, the Inspector General of Registration had issued the Circular dated 27.09.2022. Despite that, the official respondents have not considered the documents and under such circumstances, the official respondents have no power to refuse the investigation of the properties under Section 77-A of the Registration Act.

4. However, on a perusal of the affidavit filed by the petitioner, it reveals that the suits in O.S.Nos.153 & 154 of 2016 are pending on the file of the Principal District & Sessions Court, Chengalpattu involving the



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subject matter of the property. Since the said suits are pending before the Civil Court, the issues have to be decided only before the Civil Court. It is a regular course for the Civil Court to conduct a detailed trial with oral and documentary evidence.

5. Therefore, the scope of this writ petition is limited whereas, the Civil Court has got wider power to decide the disputes about the right, title, and possession over the properties.

6. Therefore, pending suits, regarding the very same property, this Court cannot entertain the Writ Petition at this stage. However, the petitioner is at liberty to work out the remedy in the manner known to law.

7. With the above direction the writ petition is dismissed. No costs.

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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P. VELMURUGAN, J.

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