



W.P.No.24800 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24800 of 2023

Basherunisa

...Petitioner

Vs.

1.The District Registrar,
Registration Department,
Dharmapuri, Dharmapuri District.

2.The Sub-Registrar,
Dharmapuri,
Dharmapuri District.

3.H.Vazeem

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to cancel the Gift Deed bearing No.899/2015 dated 05.03.2015 on the file of the second respondent by considering the petitioner's representation dated 30.07.2023 under Section 77-A of the Registration (Tamil Nadu Second Amendment) Act, 2021.

For Petitioner

: Mr.C.Munusamy

For R1 and R2

: Mr.G.Krishna Raja
Additional Government Pleader



ORDER

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The relief sought for in the present writ petition is to direct the first respondent to cancel the Gift Deed bearing No.899/2015 dated 05.03.2015 on the file of the second respondent by considering the petitioner's representation dated 30.07.2023 under Section 77-A of the Registration (Tamil Nadu Second Amendment) Act, 2021.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.4192 of 2018 [A.Selvam vs. The Sub Registrar, Dadagapatti, Salem District] etc., and batch***, and a judgment was delivered on 15.06.2023. In this regard, the Inspector General of Registration has issued a Letter No.19464/U1/2023 dated 10.06.2023 in Circular No.1 of 2023. The relevant paragraphs of the above said judgment are extracted hereunder:

“33. In view of the facts and circumstances, the following orders are passed:

1. In respect of the complaints pending before the District Registrars concerned and the appeals pending before the respective Appellate Authorities, the Inspector General of Registration



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shall direct all the authorities to follow Circular No.1/2023 dated 10.06.2023 strictly for the purpose of disposal of the complaints and the appeals in a consistent manner.

2. The Inspector General of Registration is directed to incorporate the further clarifications as stated in this order and issue a fresh Circular within a period of two weeks from the date of receipt of a copy of this order.

3. The respondents are directed to relegate the parties to approach Civil Court of Law, in the event of disputed facts regarding civil rights exist between the parties.

4. In the event of violation of the guidelines issued by the Inspector General of Registration or the directions issued by this Court or any other lapses, negligence or dereliction of duty is found while performing the duties by the authorities, departmental disciplinary proceedings are to be initiated under the relevant Service Rules.

5. The Inspector General of Registration is directed to conduct periodical Reviews as warranted under the Rules of Public Administration.”



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S.M.SUBRAMANIAM, J.

rjr/hvk

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line.

4. Accordingly, this Writ Petition stands disposed of. No costs.

23.08.2023

rjr/hvk

Index:Yes

Neutral Citation:Yes/No

Speaking order

To

1.The District Registrar,
Registration Department,
Dharmapuri,
Dharmapuri District.

2.The Sub-Registrar,
Dharmapuri,
Dharmapuri District.

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