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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34999 of 2022

Smt.Valli ... Petitioner

-Vs-

1. The Inspector General of Registration,
   Santhome High Road,
   Raja Annamalaipuram,
   Chennai – 600 028.

2. The District Registrar,
   Ariyalur, Ariyalur District – 621 704.

3. The Sub-Registrar,
   Jayankondam,
   Udayarpalayam Taluk,
   Ariyalur District – 621 802.

4. B.G.Saravanan
5. T.Sellaperumal … Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 17.10.2022 and further direct the 3rd respondent to cancel the sale deed dated 06.10.2020, vide Document No.1991/2020, executed by the 4th

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respondent in favour of the 5th respondent on the file of Sub-Registrar of Jayankondam.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 17.10.2022 and further direct the 3rd respondent to cancel the sale deed dated 06.10.2020, vide Document No.1991/2020, executed by the 4th respondent in favour of the 5th respondent on the file of Sub-Registrar of Jayankondam.

2. The petitioner has given a complaint to the respondents especially the second respondent i.e., District Registrar, Ariyalur to cancel the document registered as sale deed dated 06.10.2020 on the file of the third respondent in Document No.1991/2020 as a fraudulent document. In order to consider the said complaint, the petitioner has moved the present writ petition.

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3. Heard Mr.R.Ramesh, learned counsel appearing for the petitioner and Mr.P.Sathish,learned Additional Government Pleader appearing for the respondents 1 to 3.

4. In view of the order going to be passed in this writ petition, notice to the private respondents are hereby dispensed with.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the said complaint given by the petitioner dated 17.10.2022 would be considered as a complaint within the meaning of Section 77-A of the Registration Act,1908 by the second respondent and accordingly, it would be decided after giving an opportunity of being heard to the petitioner as well as the fourth and fifth respondents within a time frame that may be stipulated by this Court.

6. Having regard to the said stand taken by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second respondent

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to consider the complaint given by the petitioner dated 17.10.2022 and decide the same by passing final orders on such complaint after giving an opportunity of being heard to both the petitioner as well as the fourth and fifth respondents herein within the meaning of Section 77-A of the Registration Act, 1908 within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

03.01.2023

Index : Yes/No
Speaking order: Yes/No

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R. SURESH KUMAR, J.

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