



W.P.No.32830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32830 of 2023

and

W.M.P.No.32460 of 2023

1.CHIKANNA

2.ANANDHAMMA

3.LAGUMAPPA

... Petitioners

Vs.

1. THE INSPECTOR GENERAL OF REGISTRATION,
NO. 100, SANTHOME HIGH ROAD, CHENNAI - 600 028.

2. THE DISTRICT REGISTRAR,
NO. THIRUVANNAMALAI ROAD, DOWLADHABAD,
KRISHNAGIRI DISTRICT, KRISHNAGIRI - 635 001.

3. THE SUB-REGISTRAR,
SOOLAGIRI, KRISHNAGIRI DISTRICT - 635 117.

4.SIDDAMMA,

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, calling for the records on the file of the 2nd respondent pertaining to the impugned order in Na.Ka. No. 1501/U/2023 dated 12.06.2023 and quash the same.



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For Petitioners : Mr.S.Eshwar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for RR1 to 3

ORDER

This Writ Petition has been filed to issue a Writ of Certiorari to call for the records relating to the order of the 2nd respondent in Na.Ka. No. 1501/U/2023 dated 12.06.2023 and quash the same.

2.By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioners and learned Special Government Pleader appearing for the respondents 1 to 3.

4.It is averred in the affidavit filed in support of this Writ Petition that the petitioners 1 and 3 are sons of one Makkamma. 2nd petitioner is the daughter-in-law of the said Makkamma. Before the demise of said



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Makkamma, she executed a deed of sale dated 03.01.2008, registered as Document No.32 of 2008 in the office of the Sub-Registrar, Soolagiri, to an extent of 81 cents, in favour of the 1st petitioner. She bequeathed another 80 ½ cents of land under the sale deed dated 31.12.2007 to the 2nd petitioner and also bequeathed an extent of 80 ½ cents in favour of the 3rd petitioner. All the Revenue Records were mutated in respect of the petitioners and Patta was also issued in favour of the petitioners. While so, one Burudiyappa's name was wrongly entered in the Revenue Records against the property comprised in S.No.47/4 and the said Survey Number was claimed by the petitioners. However, the 4th respondent herein is claiming the above said property through the said Burudiyappa. She also filed a complaint before the 2nd respondent and the 2nd respondent, vide the order impugned in this Writ Petition, cancelled the document Nos.5326/2007, 31/2008 and 32/2008. Aggrieved against the said cancellation of sale deeds by the 2nd respondent, the petitioners have filed an appeal before the 1st respondent and the same is pending for consideration.

5.The learned counsel for the petitioners submitted that the grievance



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of the petitioner is that, without serving any notice on the petitioners, their prior title deeds were cancelled by the 2nd respondent and since the petitioners are the absolute owners, the 2nd respondent ought to have issued notice to them and also on the private parties, if any or rival parties, if any and only after giving such notice to the petitioners, the authority shall pass appropriate orders on merits and in accordance with law.

6.Heard the learned counsel on either side and perused the materials available on record.

7.The only grievance of the petitioners is that without giving notice and without giving any opportunity of hearing, their prior title deeds were cancelled. They had nothing to do with the prior documents and its genuineness. However, the petitioners have filed an appeal before the 1st respondent, under Section 77-A of the Registration Act. Since the petitioners had already invoked the appeal remedy, this Court, without expressing any opinion with regard to the merits of the case, directs the 1st respondent to dispose of the appeal filed by the petitioners under Section 77-A of the Act,



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on merits and in accordance with law, after giving notice to the petitioners, private respondents and the rival claimants, if any, within a period of two months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. W.M.P.No.32458 of 2023 stands ordered, on payment of separate court fee by each of the petitioner and W.M.P.No.32460 of 2023 stands closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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P.VELMURUGAN, J.

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