



W.P.No.407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.407 of 2023

A.Sarada @ Sarada Ayyappath

.... Petitioner

-Vs-

1.The Inspector General of Registration
No.100, Santhome High road
Mandavelipakkam,
Raja Annamalaipuram
Chennai 600 028.

2.The District Registrar
Chennai (South)
Registration Department
Todd Hunter Nagar
Chennai 600 015.

3.The Sub-Registrar, Avadi
Registration Department
43 FH + 46Q, Anna Nagar Main Road
Modern City, Deena Dayalan Nagar
Pattabiram, Chennai 600 054.

4.S.Harikrishnan

5.G.Palani

6.V.Suresh

7.H.Madhankumar



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8.M/s.Feb Bank Financial Services Limited
Having Office at Aluva, Kerala-683 101.

.... Respondents

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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to consider and pass order on Application / Representation of the petitioner dated 10.11.2022 to cancel the documents vide (i) Deed of General Power of Attorney in Document No.5161 of 2016 dated 04.05.2016, (ii) Sale Deed in Document No.8657 of 2016 dated 26.07.2016 (iii) Mortgage Deed in Document No.8898 of 2016 dated 03.08.2016 (iv) Receipt in Document No.4732 of 2017 dated 28.06.2017 (v) Deed of Power of Attorney in Document No.4751 of 2017 dated 28.06.2017 ; (vi) Mortgage Deed in Document No.143 of 2018 dated 05.01.2018 and (vii) Receipt in Document No.15710 of 2019 dated 08.11.2019 registered at the 3rd respondent's office and not to register any further fraudulent document by virtue of the above said registered fraudulent documents.

For Petitioner : Mrs.Karthikaa Ashok

For Respondents : Mr.R.P.Muruganraja
Government Advocate – for RR 1 to 3

Notice dispensed with – for RR 4 to 8

ORDER

In respect of various documents pertaining to a plot, which according to the petitioner, has been purchased by the petitioner in 1982, subsequently alleged fraudulent transaction had taken place in the year 2016, 2017 as well as 2018 and 2019. Therefore, in order to cancel all those documents the petitioner



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had given a complaint by way of an application under Section 77A of the Registration Act, 1908 to the respondents especially the 2nd respondent.

Therefore, in order to consider the said complaint/application after giving an opportunity of being heard to both the petitioner as well the private respondents who had involved in such alleged fraudulent transaction, the petitioner has moved the present writ petition and the learned counsel for the petitioner seeks the indulgence of this Court to that effect.

2. Heard the learned Additional Government Pleader for the respondents.

In view of the order that is going to be passed, notice to the private respondents is hereby dispensed with.

3. Learned Additional Government Pleader would submit that, the application / complaint given by the petitioner under Section 77A of the Act has been given to the 2nd respondent who is the District Registrar, Chennai South. However, since the land comes under the district jurisdiction of Tiruvalur, necessary application/complaint can be given only to the District Registrar, Tiruvallur and if the petitioner comes forward to make such complaint to the said authority, the same would be considered and decided after giving an opportunity of being heard to the petitioner as well as the private respondents on merits and in accordance with law within a time frame that may be stipulated by this Court.



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4. Having regard to the said submissions, especially the stand taken by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the petitioner to make a complaint / application under Section 77-A of the Registration Act, 1908 addressed to the District Registrar, Tiruvallur.
- On receipt of such complaint, the concerned authority viz., the District Registrar, Tiruvallur shall entertain the same and enquire the matter by giving an opportunity of being heard to the petitioner as well as the private respondents herein and pass final orders thereon within a period of twelve weeks from the date of receipt of such complaint from the petitioner as indicated above.

5. With the above directions, this writ petition is disposed of. No costs.

09.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST



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R. SURESH KUMAR, J.

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