



W.P.No.32513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32513 of 2023

and

W.M.P.No.32117 of 2023

J.Baskar

Vs.

... Petitioner

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Santhome, Raja Annamalai Puram,
Chennai – 600 028.
2. The Deputy Inspector General of Registration,
Chengalpet Zone,
No.A49/1, Alagesan Nagar,
G.S.T.Road, Chengalpet – 603 001.
3. The District Registrar (Administration),
Chennai South Registration District,
Nandhanam,
Chennai – 600 035.
4. The District Registrar (Administration),
Tambaram Registration District,
West Tambaram, Chennai – 600 045.
5. Rajaram



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6. Rajammal

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the second respondent from any way proceeding with the appeal pending on its file in Na.Ka.No.500/A1/2023 in pursuant to the Circular No.3/2023 and Letter No.36330/U1/2023 dated 29.09.2023 issued by the first respondent.

For Petitioner : Mr.S.Vijayakumar

For R1 to R4 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed to forbear the second respondent from proceeding with the appeal pending on the file of the second respondent in Na.Ka.No.500/A1/2023 pursuant to the Circular No.3/2023 and Letter No.36330/U1/2023 dated 29.09.2023 issued by the first respondent.



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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

3. Learned counsel for the petitioner submitted that the settlement deed executed by the petitioner's mother was registered on 23.04.2019 prior to the amendment to Section 77-A of the Registration Act. The challenge to the Circular issued by the first respondent in respect of Section 77-A of Registration Act is pending before the Division Bench of this Court. The second respondent has no power to enquire on the appeal filed by the private respondents herein.

4. Learned Special Government Pleader appearing for the official respondents submitted that the Circular is only with the enquiry under Section 77-(A) of the Registration Act, whereas the appeal is against the order passed under Section 68(2) of the Act. Further, the petitioner has filed a Civil Suit and the same is pending and he has to workout his remedy before the civil court.



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5. Since there is no adverse order passed against the private respondents in this petition, notice to the private respondents is dispensed with.

6. It appears that no appeal is pending under Section 77-A of the Registration Act. As the petitioner has already filed the civil suit for declaration to declare the disputed document as null and void and the same is pending before the Civil Court, the petitioner is at liberty to workout his remedy before the Civil Court.

7. With the abovesaid direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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