



W.P.No.48 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.48 of 2023

R.Sivakumar

.... Petitioner

-Vs-

1.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai 600 028.

2.The District Registrar
District Registrar's Office
Udhagamandalam, Nilgiris District.

3.The Sub Registrar
Sub Registrar's Office
Coonoor, Nilgiris District.

4.R.Chandrasekaran

5.N.Mahalingam

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's complaint / representation dated 20.07.2022 further as per the newly introduced provisions of the Registration Act, 77A.

For Petitioner : Mr.K.Balasubramanian
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's complaint / representation dated 20.07.2022 further as per the newly introduced provisions of the Registration Act ie., Section 77A.

2. Insofar as the house property at S.No.217/1B1 in Ketti Village to the extent of 0.30 cents is concerned, it is the joint property of the petitioner and the brother and sisters of the petitioner including the 4th respondent, as claimed by the petitioner.

3. When that being so, the 4th respondent unilaterally sold the property to the 5th respondent by a registered sale deed without the knowledge and concurrence of the petitioner and other co-owners. Therefore, such fraudulent transaction and registration of sale deed has to be cancelled and in this regard, the petitioner has given a complaint to cancel the said deed on 20.07.2022 to the 2nd respondent / District Registrar within the meaning of Section 77A of the Act and in order to consider the same and to pass orders, the petitioner has moved the present writ petition with the aforesaid prayer.



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4. Heard the learned counsel for the petitioner, who after reiterating the aforesaid facts, would seek the indulgence of this Court.

5. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3, who would submit that the said complaint given by the petitioner would be considered under Section 77A of the Act by the 2nd respondent, after enquiring the petitioner as well as the private respondents a decision would be made on merits and in accordance with law within a time frame that may be stipulated by this Court.

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

7. Having regard to the said submission made by the learned Government Pleader and taking note of the aforesaid factual matrix as projected by the petitioner, this Court is inclined to dispose of this writ petition with the following order.

"That there shall be a direction to the 2nd respondent to consider the complaint of the petitioner dated 20.07.2022 and decide the same, after giving an opportunity of being heard to



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the petitioner as well as the private respondents on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."

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

04.01.2023

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

- 1.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai 600 028.
- 2.The District Registrar
District Registrar's Office
Udhagamandalam, Nilgiris District.
- 3.The Sub Registrar
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R. SURESH KUMAR, J.

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