



WEB COPY



W.P.No.1217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.1217 of 2023
and W.M.P.No.1255 of 2023

- 1 Vijayalakshmi
- 2 N.Sathyamorthy

.... Petitioners

-Vs-

- 1 Inspector General of Registration
Department of Registration No. 100
Santhome High Road Foreshore Estate
Chennai - 600 004.
- 2 The District Registrar(Administration)
Office of the District Registration
Uthukottai Road Tiruvallur.
- 3 The Sub-Registrar
Ponneri Sub-Registrar Office Station Road
Ponneri Thiruvallur District.
- 4 Om Sakthi Agencies(Madras) Pvt .Ltd.
TS-65 Industrial Estate
Ekkattuthangal Guindy Chennai - 600 032.
- 5 Mahindra World City Developers
Mahindra Towers No. 17/18 Pattulos
Road Chennai - 600 002.
- 6 Housing Development Finance
Corporation Limited(HDFC) Second Floor
ITC Centre 760 Anna Salai Chennai - 600
002.



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AXIS Bank Limited

Regd. Office at Trishul 3rd Floor Opposite
Samartheswar Temple Law Garden Ellis
Bridge Ahmedabad-380 006 Branch Office at
2nd Floor Old No. 2, New No.3
Club House Road, Anna Salai, Chennai 600 002.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent from initiating proceedings upon the complaint made by the petitioners dated 06.10.2022 as per the registration Act and the Tamil Nadu State Amendment Act 27 of 2021 and pass appropriate order or orders thereupon on the complaint.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for RR 1 to 3
Notice Dispensed with – for RR 4 to 7

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent from initiating proceedings upon the complaint made by the petitioners dated 06.10.2022 as per the registration Act and the Tamil Nadu State Amendment Act 27 of 2021 and pass appropriate order or orders thereupon on the complaint.

2. In respect of the property in question, it is the claim of the petitioners that the property belongs to the petitioners since they inherited the property by



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way of a partition decree passed by the civil Court, which has also been registered. When that being so, according to the petitioners, the property in question had been fraudulently sold by the co-sharers of the petitioner before partition to the 4th respondent and who in turn seems to have sold it to the 5th respondent, who in turn mortgaged the property with the 6th and 7th respondents.

3. Therefore, in order to cancel these documents after conducting enquiry and to take action against the erring people, the petitioners had given a detailed representation to the 2nd respondent on 06.10.2022 and to consider the same the petitioners have moved the present writ petition.

4. Heard Mr.M.L.Ramesh learned counsel for the petitioners and Mr.Yogesh Kannadasan learned Special Government Pleader for the official respondents. In view of the order that is going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

5. Learned Special Government Pleader submits that, the said representation had been submitted by the petitioners to the 2nd respondent under Section 68(2), 81 and 82 of the Registration Act, 1908 even though amendment has already been made in the Act with effect from 16.08.2022 by



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which provisions like Sections 22A, 22B, 77A and 77B have been brought in and the said representation-cum-complaint has been given by the petitioner would be decided after enquiry by the 2nd respondent District Registrar within the meaning of Section 77A of the Registration Act within a time frame that may be stipulated by this Court.

6. Having regard to the submission of the learned Government Pleader and by taking into consideration the aforesaid factual matrix, 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 entertain the complaint-cum-representation given by the petitioner dated 06.10.2022 and after conducting an enquiry by giving separate notices to all the parties i.e., the petitioners as well as private respondents herein decide the issue within the meaning of Section 77A of the Act on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.”

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

Consequently, connected miscellaneous petition is closed.

20.01.2023

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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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