



W.P.No.33921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

W.P.No.33921 of 2023

1.Gopinath  
2.Arumugam

... Petitioners

Versus

1.Inspector General of Registration,  
No.100, Santhome High Road,  
Pattinambakkam, (Fore Shore Estate),  
Chennai-600 028.

2.The District Registrar,  
(Administration) (AIG-Rank)  
Kuralagam, Chennai (North),  
Chennai-600 104.

3.Govindasamy  
4.Sambanthan  
5.Srinivasan  
6.Subbarao

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare the proceedings in No.10821/AA5/2022, dated 04.10.2023 passed by the second respondent as null and void.

For Petitioners : Mr. M.Gnanasekar

For Respondents : Mr. Yogesh Kannadasan,  
Spl. Govt. Pldr. (R1 & R2)



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## **ORDER**

Prayer in the writ petition is for declaration to declare the proceedings No.10821/AA5/2022, dated 04.10.2023 passed by the second respondent as null and void.

2. The case of the petitioners is that the second petitioner herein had purchased a property from respondents 3 to 6 herein through unregistered Sale Deed, based on the agreement of sale entered into on 27.06.1986 and they were in enjoyment and possession of the said property for the past 34 years. While that being so, respondents 3 to 6 have lodged a complaint against the petitioners herein on 12.10.2022 before the second respondent for cancellation of Sale Deed dated 14.11.2005, which was executed by the second petitioner in favour of the first petitioner, Vide in Doc.No.6162 of 2006, based on the General Power of Attorney dated 25.08.1988 executed by respondents 3 to 6, Vide in Doc.No.323 of 1988 in the Office of the Sub Registrar, Thiruvottiyur. The second respondent, without considering the factual aspects, held that the said document is a forged one. Challenging the same, the second petitioner preferred an appeal before the Appellate Authority/ first respondent and the same is pending.



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3. In view of the fact that the appeal preferred by the second petitioner has not attained finality before the appellate authority/first respondent, this Court cannot issue any positive direction as prayed in the present writ petition, as the same is not maintainable. However, considering the pendency of the appeal, this Court finds it would be appropriate to give a direction to the appellate authority to decide the appeal within a period as stipulated by this Court.

4. Accordingly, the first respondent/appellate authority is directed to issue notice to all the parties, rival claimants/ interested parties if any, on the aforesaid property and decide the appeal on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, the writ petition stands dismissed. No costs. Consequently, the connected W.M.P.Nos.33805 & 33807 of 2023 are also closed.



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6. W.M.P.No.33804 of 2023 filed to permit the petitioners to join together and file a single writ petition, is ordered on payment of separate Court fee by each of the petitioners.

**11.12.2023**

Index : Yes/No  
Speaking order : Yes/No  
Neutral Case Citation : Yes/No

klt

To:

1.The Inspector General of Registration,  
No.100, Santhome High Road,  
Pattinambakkam, (Fore Shore Estate),  
Chennai-600 028.

2.The District Registrar,  
(Administration) (AIG-Rank)  
Kuralagam,  
Chennai (North),  
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**P. VELMURUGAN, J.**

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