



W.P(MD)No.2171 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2171 of 2022

Ponnusamy

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

2.The Deputy Registrar,
Collector Office Old Building,
Kokkirakulam,
Tirunelveli.

3.The District Registrar,
57, Railway Feeder Road,
Near New Bus Stand,
RTO Complex,
Tenkasi.

4.Mariraj
The Sub Registrar In-charge,
Pavoorchatram SRO,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd Respondent to cancel the deed based on forged and fabricated documents by



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imperasonating registered at the office of 3rd Respondent office and consequently direct the 1st and 2nd respondent to take Departmental action against 4th respondent here in who worked as Junior Assistant and ineligible for registration works on the basis on the Petitioner's Representation dated 11-11-2021.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 to R3

ORDER

Heard both sides.

2. The petitioner has given a complaint dated 11.11.2021 for cancellation of the petition mentioned deeds that had been executed in the year 2021. Whether departmental action should be taken against the fourth respondent or not is an issue which I would leave to the discretion of the competent authority. During the relevant time, the circulars had been issued by the IG of Registration authorising the District Registrars to hold enquiry into registration of the fraudulent documents. Section 77A of the Registration Act cannot be retrospective. But then, based on the circular, action should be taken by the District Registrar.



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3. The third respondent is directed to hold enquiry into the petition mentioned representation and pass final order on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. I make it clear that before passing final order, all the interested parties shall be put on notice. In other words, the third respondent must scrupulously adhere to due process of law and the principles of natural justice. I have not gone into the merits of the matter.

4. The Writ Petition is disposed of accordingly. No costs.

04.10.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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