



WP(MD)No.15908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.15908 of 2023 and
WMP(MD) No.13328 of 2023

P.R.K.Palanisamy

... Petitioner

Vs

1.The Registrar (Admin),
Deputy Registration Presidential Cadre,
Registration Department,
Madurai North,
Madurai.

2.Selvaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order in No. 6269/A2/2022, dated 20.02.2023 issued by the first respondent and quash the same and consequently direct the first respondent to conduct fresh enquiry based on the petitioner's representation dated 27.09.2022.



WP(MD)No.15908 of 2023

For Petitioner : Mr.M.Ramu
For R1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The application submitted by this petitioner before the first respondent for an enquiry under Section 77A of the Registration Act was rejected by an order dated 20.02.2023, which is impugned in this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner along with the second respondent has entered into a sale agreement for purchase of land in Survey Nos.72/3, 73/2A, 73/2B, 73/1B, 73/1A and 75/3 to an extent of 6 acres 42 cents, situate in No. 46, Arumbanoor II Bit, Madurai East Taluk, Madurai with one Kannappa Mudaliar and one Rajachidambaram on 04.10.2015. He also claims that at the time of agreement, a sum of Rs.1,05,000,00/- was also passed on to the land owner. Instead of executing the sale deed in



WP(MD)No.15908 of 2023

WEB COPY

favour of both the petitioner as well as the second respondent, the land owner has executed the sale deed in favour of the second respondent alone. With this averment, the petitioner has lodged a criminal complaint before the learned Judicial Magistrate, Madurai under Section 156(3) of Cr.P.C and the same was not entertained stating that the dispute is a civil in nature. Therefore, the petitioner has submitted an application before the Registration authority to initiate action under Section 77A of the Registration Act and he has also filed a civil Suit before the District Court, Madurai in O.S.No.242 of 2018. The application submitted by the petitioner under Section 77 A of the Registration Act was rejected by the first respondent. Hence, this petition.

3.The first respondent has refused to entertain the application presented by this petitioner under Section 77A of the Registration Act on the ground that the facts of the case will not come



WP(MD)No.15908 of 2023

WEB COPY

under the purview of Section 77A of the Registration Act. This Court finds that there is no error in the order passed by the first respondent. Moreover, the petitioner has also instituted a civil suit which is still pending before the District Court, Madurai.

4.In view of the above, this writ petition is closed with a liberty to the petitioner to work out his remedy in the suit in O.S.No. 242 of 2018, which he has preferred before the District Court, Madurai. No costs. Consequently, connected Miscellaneous Petition is closed.

04.07.2023

NCC : Yes / No.

Index : Yes / No.

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To

The Registrar (Admin),
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Madurai.

4 / 5



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WP(MD)No.15908 of 2023

B.PUGALENDHI, J.

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Order made in
WP.(MD).No.15908 of 2023 and
WMP(MD) No.13328 of 2023

04.07.2023