



W.P(MD)No.766 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.766 of 2022

1.Parameshwari Rajathi

2.Muthukumar

... Petitioners

Vs.

1.The District Registrar,
Madurai.

2.The Sub Registrar,
Madurai South,
Madurai District.

3.Kalyanarajan

4.Jeyaraman

5.Jegannathan

... 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 respondent to conduct an enquiry in consonant with G.O.No. 392 dated 02.09.2021 in respect of the documents dated 10.12.2018, 18.01.2019 vide document Nos 9058/2018, 247/2019 in respect of the property comprised in S.No. 51/4, 92/5 and cancel the same as the same is contrary to the provisions of Registration Act and Tamil



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Nadu Patta Pass Book Act 1983 on the basis of petitioner's representation dated 13.09.2021.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1 & R2

: Mr.K.C.Ramalingam for R3

: no appearance for R4

ORDER

Heard both sides.

2. The petitioners allege that while registering the petition mentioned sale deeds, the executants had produced pattas that had been cancelled. According to the petitioners, this amounts to fraud. They had given a complaint before the first respondent and want action to be taken.

3. Even though I have held that Section 77A of the Registration Act is not retrospective, the authorities had already been authorised to hold enquiry into the registration of the fraudulent document under certain circulars.

4. The first respondent is directed to consider the petitioner's complaint in terms of the said circular and pass final order within a period of ten weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. Before passing any order, the first respondent will issue notice to the private respondents herein and other interested persons, if any.



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5. The writ petition is disposed of. No costs.

04.10.2023

Index : Yes / No

Internet : Yes/ No

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To

1.The District Registrar,
Madurai.

2.The Sub Registrar,
Madurai South,
Madurai District.



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G.R.SWAMINATHAN, J.

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