



W.P.(MD)No.18565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18565 of 2023

and

W.M.P.(MD)Nos.15395 and 15397 of 2023

M.Ramakrishnan

... Petitioner

versus

1. The Deputy Inspector General
of Registration,
Madurai.

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

3. The Sub Registrar,
Madurai South Joint-1,
Madurai South District,
Madurai District.

4. V.Ramakrishnan

5. V.Shankaranarayanan

6. S.Sandhana Gopalakrishnan

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.5052/AA2/2023 dated 12.07.2023 and quash the same as illegal and consequently, direct the 2nd respondent to consider the petition filed by the petitioner under Section 77A of Registration Act, 1908 dated 26.05.2023 within the time frame fixed by this Court.

For Petitioner : Mr.RM.Arun Swaminathan
For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner, with a grievance that a settlement deed, which has been executed on 09.01.2023 by the 4th and 5th respondents, is a fraudulent one, has submitted an application dated 26.05.2023 before the 2nd respondent/the District Registrar, Madurai South District, under Section 77A of the Registration Act 1908 to cancel the said document. However, the 2nd respondent, by his order dated 12.07.2023, has rejected the said application stating that this complaint does not fall within the parameters of Sections 22A and 22B of the Registration Act,



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1908. As against the said order, the present writ petition is filed.

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2. The learned counsel appearing for the petitioner submits that without any production of valid documents and any legal heir certificate of the deceased, the settlement deed dated 09.01.2023 has been registered based on the document submitted by the 4th and 5th respondents, who are strangers to the property.

3. This Court considered the submission made by the learned counsel for the petitioner.

4. The petitioner's application filed under Section 77A of the Registration Act, 1908, has been rejected by the second respondent, by his order dated 12.07.2023. As against the said order, the petitioner is having an appeal remedy, under Section 77B of the Registration Act, 1908, before the Inspector General of Registration.



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5. In view of the same, this writ petition is disposed of with a direction to the petitioner to invoke the appeal remedy under Section 77B of the Registration Act, 1908, before the Inspection General of Registration.

6. The petitioner has also expressed his concern that pending the process, the respondents shall be prevented from creating any further document on the subject property.

7. The petitioner is at liberty to file a necessary application seeking interim relief, before the Inspector General of Registration. If any application seeking interim relief is filed along with the appeal, the same shall be considered as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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