



W.P.(MD) No.11483 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.11483 of 2016

P.Dharmasamy

... Petitioner

/vs./

1.The District Registrar,
Tiruchirappalli.

2.The Sub Registrar,
Thiruverumbur Sub Registrar Office,
Thanjavur District.

3.K.Arasan

4.Nagarathinam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to registration of Cultivation Lease Made-Over Document No.2663 of 2008 from the 2nd respondent and quash the same as illegal and pleaded to direct the 2nd respondent to make necessary changes in the encumbrance certificate to that effect thereafter.



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For Petitioner : Mr.R.S.Sivaram
For R1 & R2 : Mr.M.Ramesh
Government Advocate
For R3 & R4 : Mr.R.Sundar

ORDER

The writ petition has been filed seeking for a Writ of Certiorarified Mandamus to call for the document bearing Doc.No.2663 of 2008 dated 19.02.2008 on the file of the second respondent herein and to quash the same and consequently to direct the second respondent to make necessary changes in the encumbrance certificate to that effect.

2.The case of the petitioner is that the respondents 4 and 5 had fraudulently entered upon into an agreement of making over the lease of the petitioner's property.

3.The learned counsel for the petitioner would submit that neither the fourth respondent nor the fifth respondent are the tenant under the petitioner and therefore, such document is only trying to usurp the property of the petitioner. In spite of his representation dated 07.11.2015, no action has been initiated by the first respondent. Hence, he had approached this Court.



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4.It is pertinent to note that pending this writ petition, by way of insertion of Section 77-A of the Registration Act, the power has been vested with the first respondent herein to take action against the fraudulent documents that had been registered by the office of the Sub Registrar.

5.In view of the said provision, the petitioner is directed to take out an appropriate application as provided under Section 77-A of the Registration Act within a period of two weeks from the date of receipt of a copy of this order before the first respondent and the first respondent on receipt of such application, if any, is directed to consider the same and pass appropriate orders on merits and in accordance with law after affording an opportunity to all the parties concerned within a period of 12 weeks thereafter.

6.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

10.01.2023



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K.KUMARESH BABU, J.

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To

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Tiruchirappalli.
- 2.The Sub Registrar,
Thiruverumbur Sub Registrar Office,
Thanjavur District.

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