



W.P.(MD)No.13954 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABUs

W.P.(MD)No.13954 of 2016

and

W.M.P.(MD)No.10457 of 2016

P.Rajasekar

... Petitioner

/Vs./

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.The Sub Registrar,
Office of the Sub Registrar,
Meleppalayam,
Tirunelveli.

4.S.Sundarraaj

5.S.Gopalakrishnan

6.Barith Buhari

... Respondents



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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus direct the 2nd respondent to enquire D.No.269/2007, D.No.6121/2010 and D.No. 2373/2016 registered in the 3rd respondent office and consequently endorse the same in the registry of the said office based on the petitioner's representation dated 21.05.2016, in the light of the Circular No.67 dated 03.11.2011 issued by the 1st respondent and based on the petitioner's representation dated 21.05.2016.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.M.Ramesh (R1 to R3)

Government Advocate

No appearance (R4 to R6)

ORDER

This Writ Petition has been filed seeking for a direction to the second respondent to enquire D.No.269/2007, D.No.6121/2010 and D.No.2373/2016 registered in the 3rd respondent office and consequently endorse the same in the registry of the said office, based on the petitioner's representation dated 21.05.2016, in the light of the Circular No.67 dated 03.11.2011 issued by the first respondent.



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2. Heard the learned counsel appearing for the Petitioner and the learned Government Advocate appearing for the official respondents.

3. It is pertinent to note that Circular No.67 dated 03.11.2011 had already been quashed by the Hon'ble Apex Court and thereafter, the State of Tamilnadu, by way of amendment, had also introduced Section 77A in the Registration Act, 1908, under the Tamil Nadu Act 41 of 2022, empowering the District Registrars to deal with the fraudulent documents.

4. Since Circular No.67 dated 03.11.2011 had already been quashed, the prayer sought for in this writ petition cannot be granted. But, however, liberty is hereby granted to the petitioner to approach the District Registrars under Section 77A of the Registration Act, 1908.

5. With the above liberty, this Writ Petition is disposed of. It is needless to say that the District Registrars shall hear the parties concerned including the private respondents herein, as expeditiously as possible, while disposing of the application to be filed by the petitioner.



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There shall be no order as to costs. Consequently, connected

Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

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- 3.The Sub Registrar,
Office of the Sub Registrar,
Meleppalayam, Tirunelveli.



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K.KUMARESH BABU, J.

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