



W.P(MD)No.17794 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.17794 of 2016

Vijayalakshmi

... Petitioner

Vs.

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

2.The District Registrar,
District Registrar Office,
Virudhunagar District,
Virudhunagar.

3.The Sub Registrar,
Sub Registrar Office,
Aruppukkottai,
Virudhunagar District.

4.Rengasamy Naidu

5.Nagalakshmi

6.A.S.Karuppasamy

7.Sankaralingam



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8.Kalithas

... Respondents

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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 of impugned order Na.Ka.No.171/2016 dated 20.07.2016 passed by the 3rd respondent and quash the same and consequently directing the 3rd respondent to cancel the documents Nos. 2006 of 1996 dated 15.04.1996, 2653 of 1996 dated 08.08.1996, 214 of 2004 dated 22.01.2004 and document No.2693/2013 dated 13.08.2013.

For Petitioner : Mr.R.Murugappan

For R1 - R3 : Mr.S.Shanmugavel

Additional Government Pleader

For R6 : No Appearance

ORDER

The petitioner had made a representation to the 1st respondent herein on 21.06.2016 seeking to cancel the documents bearing Document Nos.2006 of 1996 , 2653 of 1996 and 216 of 2004 on the file of the Sub Registrar Office, Aruppukkottai. This complaint has been forwarded by the 1st respondent to the 2nd respondent to conduct an enquiry, if it is found such prima facie case has been made out in the complaint. The 3rd respondent herein very innocuously has passed an order directing the



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petitioner to approach the Civil Court to redress her grievance. The order impugned in the writ petition has been passed by an authority who had no jurisdiction whatsoever to deal with such complaints.

2. The State of Tamil Nadu had originally issued a circular in Circular No.67, empowering the District Registrar to deal with such complaints. The said circular was of the year 2011. The said circular had been quashed by the Hon'ble Apex Court and thereafter, by insertion of Section 77-A, the District Registrar concerned have been empowered to deal with such complaints. The impugned order has been passed by the 3rd respondent herein in the year 2016. Even assuming that the said circular has been valid on the date of passing this order, he had no jurisdiction or authority to pass such an order. Hence, the order impugned in the writ petition is set aside. As already direction has been issued by the 1st respondent to the 2nd respondent to look into the complaint of the petitioner, dated 21.06.2016 by his proceedings in Mu.Mu.No.29354/U4/2016, dated 28.06.2016, the 2nd respondent herein is directed to treat the complaint of the petitioner forwarded by the 1st respondent as an application under Section 77-A of the Registration Act and dispose of the same within a period of twelve (12) weeks from the



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date of receipt of a copy of this order after affording due opportunities to the petitioner and the respondents 4 to 8 in this writ petition.

3. With the aforesaid directions, this Writ Petition stands allowed.

No costs.

10.01.2023

Index : Yes / No
Internet : Yes / No

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To

1.The Inspector General of Registration,
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Chennai.

2.The District Registrar,
District Registrar Office,
Virudhunagar District,
Virudhunagar.

3.The Sub Registrar,
Sub Registrar Office,
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Virudhunagar District.



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K.KUMARESH BABU,J.

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Order made in
W.P(MD)No.17794 of 2016

Dated:
10.01.2023