



W.P(MD)No.26824 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26824 of 2023

and

W.M.P(MD)No.23060 of 2023

Manoharan

... Petitioner

Vs.

1.The Sub Collector,
Office of Revenue Divisional Officer,
Paramakudi.

2.The District Registrar (Admin),
Sivagangai.

3.Poovalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the first respondent from conducting enquiry and to pass final order in his proceedings Na.Ka.A3/5275/2023 based on the third respondents representation to cancel the Patta No.2091 issued to the petitioner.



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For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.C.Satheesh
Government Advocate for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the private respondent is dispensed with.

2. The third respondent moved the District Registrar, Sivagangai for cancelling the following three sale deeds:

- i) Document No.236/2022
- ii) Document No.1373/2022
- iii) Document No.1463/2022

The third sale deed ie., Document No.1463/2022 is standing in the name of the petitioner. The second respondent herein accepted the complaint of the third respondent and passed an order in his favour on 11.04.2023. Questioning the same, the petitioner's vendor filed an appeal before the Inspector General of Registration, Santhome, Chennai. In the



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meanwhile, the third respondent has moved the first respondent for cancelling the patta that is standing in the name of the petitioner. The first respondent has issued enquiry notice. From forbearing the first respondent from conducting any enquiry, the present writ petition came to be filed.

3. It is true that an appeal is a continuation of the original proceeding. But then, the third respondent who had obtained an order in his favour cannot be expected to keep quiet. He will obviously take advantage of the order dated 11.04.2023 whereby the document in question were labelled as fraudulent and registration was also cancelled.

4. Since the said order has been put to challenge by way of an appeal, it is just and proper the petitioner is given breathing time to get interim relief. The learned counsel appearing for the petitioner points out that the very scope and applicability of 77-A of the Registration Act, 1908 is now under consideration by the Larger Bench. He pointed out that the Inspector General of Registration had issued circular for keeping enquiry in abeyance.



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5. In these circumstances, it is for the petitioner to question the impugned proceedings dated 11.04.2023 and obtain relief. The petitioner is given two months times from today (08.11.2023) to adopt such a course of action. The first respondent will keep the enquiry proceedings on hold for a period of two months. If the petitioner is unable to obtain any interim order in his favour in respect of the order dated 11.04.2023 passed by the second respondent, the first respondent can resume the proceedings. If the petitioner is successful in his efforts, the petition mentioned proceedings will abide by the same.

6. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 10.11.2023.



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G.R.SWAMINATHAN, J.

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