



W.P(MD)No.27420 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27420 of 2023

Santhana Arokiadas

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Dindigul District.

2.The Sub Registrar,
Sub Registrar Office,
Sanarpatti,
Dindigul District.

3.Arokiyasamy

4.Britto David Dass

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to conduct enquiry and pass appropriate orders based on the petitioner's representation dated 22.07.2023.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader for R1 & R2



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ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for R1 & R2. Issuance of notice to R3 & R4 is dispensed with.

2. The petitioner's case is that the registration of the petition mentioned sale deed is to be set aside because the execution of the document is fraudulent.

3. The petitioner's counsel took me through the averments set out in the affidavit filed in support of the writ petition as well as the recitals set out in the sale deed.

4. Though the counsel's contentions are persuasive, at present, I am not in a position to grant relief. This is because, the circular of the IG was issued in September 2018. Hence, the petitioner has two courses of action open to him.

(I) He can wait till the pronouncement of the Judgment by the Hon'ble Division Bench on the scope and applicability of Section 77-A of the Registration Act. The first respondent is directed to keep the petitioner's complaint pending till then.

(II) He can move the jurisdictional civil Court for getting declaration as to the fraudulent nature of the petition mentioned document.



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5. Granting such liberty to the petitioner, the writ petition is disposed of.

I make it clear that I have not gone into the merits of the matter. No costs.

20.11.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Registrar,
District Registrar Office,
Dindigul District.

2.The Sub Registrar,
Sub Registrar Office,
Sanarpatti,
Dindigul District.



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G.R.SWAMINATHAN, J.

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