



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-03-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

WA No.42 of 2023

C.Ganesan

.. Appellant

-VS-

1.Santhi

2.The District Revenue Officer,
Namakkal,
Namakkal District.

3.The District Registrar (Administration),
Office of the District Registrar,
Namakkal.

.. Respondents

Writ Appeal is preferred under Clause 15 of Letters Patent Act,
against the order passed by this Court in WP No.21275 of 2022 dated
15.09.2022.

For Appellant

:

Mr.N.Manoharan



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For Respondent-1 : Mr.R.Marudhachalamurthy

For Respondents-2 and 3 : Mr.A.Selvendran,
Special Government Pleader.

J U D G M E N T

[JUDGMENT OF THE COURT WAS DELIVERED

BY S.M.SUBRAMANIAM, J.]

The third respondent in the writ petition is the appellant before us.

2. The first respondent filed writ petition to quash the enquiry notice dated 11.07.2022 issued by the third respondent-District Registrar (Administration), Namakkal.

3. Admittedly, the appellant filed a complaint before the District Registrar (Administration) to cancel the Settlement Deed executed vide Document No.3742 of 2021. The complaint was mainly made on the ground that based on the fraudulent document, patta granted in the name of the first respondent's mother was cancelled by the Revenue Authorities.



Further, it is not in dispute that the appeal preferred under Patta Pass Book Act, before the District Revenue Officer was pending during the relevant point of time. When the revision was pending before the District Revenue Officer under the Patta Pass Book Act, the complaint was filed to cancel the Settlement Deed registered under the Registration Act.

4. Mr.N.Mahoharan, learned counsel for the appellant, would mainly contend that the observations made by the Writ Court that cancellation of patta itself is wrong, become unnecessary.

5. We agree with the said view of Mr.N.Manoharan, learned counsel for the appellant, since the complaint itself was filed to cancel the Settlement Deed under the Registration Act and the findings regarding validity of patta proceedings are unnecessary. Therefore, the District Revenue Officer is empowered to conduct enquiry under the provisions of the Tamil Nadu Patta Pass Book Act, by affording opportunities to all the parties concerned.



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6. As far as the impugned notice is concerned, the question arises whether the District Registrar (Administration) has got jurisdiction to entertain such complaints to cancel the document registered in the year 2021. Section 77-A of the Registration Act, was inserted with effect from 16.08.2022 and there is no express provision to exercise the powers with retrospective effect, so as to cancel the document registered prior to amendment on 16.08.2022.

7. In respect of all those documents registered prior to Tamil Nadu Amendment Act No.41 of 2022, the aggrieved parties are to be relegated to approach the Competent Civil Court of Law. Therefore, the decision of the Writ Court that the notice issued by the District Registrar (Administration) is without jurisdiction, is in accordance with the provisions of the Registration Act and there is no infirmity. Thus we upheld the decision of the Writ Court quashing the impugned notice dated 11.07.2022.

8. As far as the patta proceedings are concerned, the District



Revenue Officer is directed to proceed with the enquiry by affording opportunity to all the parties concerned and pass appropriate orders on merits and in accordance with law.

9. With the above clarifications and directions, the present writ appeal stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

27-03-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Revenue Officer,
Namakkal,
Namakkal District.
- 2.The District Registrar (Administration),
Office of the District Registrar,
Namakkal.



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