



WEB COPY

W.P. No.2161 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2161 of 2024

L.S.Tamizhselvan

... Petitioner

Vs.

1. The Inspector General of Registration
O/o Inspector General of Registration
No.100, Santhome High Road
Chennai - 600 028
2. The District Registrar (Administration) (A.I.G)
South Chennai
No.537, Fanepet, Nandanam
Chennai - 600 035
3. The Sub Registrar
Padappai
Tamil Nadu - 601 301
4. R.Lalitha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the 2nd respondent and quash the order dated 29.09.2023 in Na.Ka.No.15358/E2/2022 of the 2nd respondent cancelling the Sale Deed in Doct.No.595/2006 of the petitioner and Settlement Deeds in Doct. Nos.8651/2104, 8652/2014 and 8653/2014 on the file of SRO, Padappai as the said order is tainted with impropriety and it is non est, arbitrary, unconstitutional, ultra vires, in violation of principle of law and jurisprudence.



For Petitioner : Mr.V.Raghavachari
Senior Advocate for
Mr.N.R.Anantha Rama Krishnan

For R1 to R3 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari to call for the records of the 2nd respondent and quash the order dated 29.09.2023 in Na.Ka.No.15358/E2/2022 of the 2nd respondent cancelling the Sale Deed in Doct.No.595/2006 of the petitioner and Settlement Deeds in Doct.Nos.8651/2104, 8652/2014 and 8653/2014 on the file of SRO, Padapai, as the said order is tainted with impropriety and it is non-est, arbitrary, unconstitutional, ultra-vires, in violation of principles of law and jurisprudence.

2. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.



3. It is seen that though the 2nd respondent has passed the impugned order under Section 77-A of the Registration Act, as against the order passed by the 2nd respondent under Section 77-A of the Act, the petitioner has filed appeal under Section 77-B of the Act before the 1st respondent and the enquiry is stated to be pending and no final order has been passed.

4. Even otherwise, this Court has already stayed the enquiry under Section 77-A of the Act due to the divergent views taken by the learned single Judges of this Court and now the issue is pending before the Larger bench of this Court.

5. Under these circumstances, this Court is not inclined to give any relief sought for by the petitioner. However, there is no bar for the petitioner to seek civil remedy. The petitioner can either approach the Civil Court or he can wait till the outcome of the decision of the Larger Bench of this Court.

6. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

02.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To



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P.VELMURUGAN. J.

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