



WEB COPY

W.P. Nos.2848, 2851, 2852, 2855, 2856, 2859 and 2862 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. Nos.2848, 2851, 2852, 2855, 2856, 2859 and 2862 of 2024

A.S.Suganthi @ V.Sukanthi

... Petitioner in all WPs.

Vs.

1. Inspector General of Registration
No.100, Santhome High Road
Pattinapakkam, Chennai - 600 028

... 1st respondent in all WPs.

2. The District Registrar
No.81, Old Hospital Road,
Gobichettipalayam
Erode District - 638 452

... 2nd respondent in WPs.2848,
2851, 2852, 2855, 2856 of 2024

3. The District Registrar
District Registrar Office
No.1/529, Neruperichal Village
Pooluvapatti Post
Tiruppur - 641 602

... 2nd Respondent in WPs.2859 &
2862 of 2024

Prayer in W.P.No.2848 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2025/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

Prayer in W.P.No.2851 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2027/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.



Prayer in W.P.No.2852 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2028/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

Prayer in W.P.No.2855 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2029/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

Prayer in W.P.No.2856 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2026/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

Prayer in W.P.No.2859 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 3101/Aa5/2023 dated 22.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

Prayer in W.P.No.2862 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 3103/Aa5/2023 dated 22.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

In all WPs.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.A.Arun Kumar
Additional Government Pleader



COMMON ORDER

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W.P.No.2848 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2025/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

2. W.P.No.2851 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2027/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

3. W.P.No.2852 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2028/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

4. W.P.No.2855 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2029/A3/2023 dated



11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

5. W.P.No.2856 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 2026/A3/2023 dated 11.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

6. W.P.No.2859 of 2024 is filed seeking to issue a Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 3101/Aa5/2023 dated 22.05.2023 and to conclude the same within the time frame as may be fixed by this Court.

7. W.P.No.2862 of 2024 is filed seeking to issue a Writ of Mandamus directing the 2nd respondent herein to proceed with the enquiry in respect of the complaint made by the petitioner registered vide 3103/Aa5/2023 dated 22.05.2023 and to conclude the same within the time frame as may be fixed by this Court.



8. The case of the petitioner is that the petitioner along with her father, mother and brother has been running a partnership firm by name M/s.SRI SPK REAL ESTATE. While so, the petitioner's father, mother and brother created a manipulated reconstituted partnership deed to oust the petitioner from the said partnership and registered a new partnership under the name and style of M/s.SRI SPK REAL ESTATE. The petitioner has lodged a complaint in this regard with the District Registrar, Namakkal, and by order dated 22.06.2023, the fabricated registration of reconstituted partnership deed was cancelled. Further, the petitioner initiated complaint under Section 77A of the Registration Act in respect of the sale deeds registered by using fabricated resolution of the firm. But the same has been put on hold in view of the circular dated 29.09.2023 issued by the 1st respondent to await the verdict of the Larger Bench of this Court. Hence, the present Writ Petitions are filed.

9. The learned counsel for the petitioner submitted that the disputed documents themselves came to be registered only after the amendment of Section 77-A and 77-B of the Registration Act. Therefore, the pending issue before the Larger Bench of this Court, is nothing to do with the present subject matter of writ Petitions. Further, the other partners, had already filed writ



petitions before this Court in W.P.Nos.21535 and 21570 of 2023 in which, the petitioner herein was arrayed as 4th respondent and that this Court had disposed of the said writ petitions holding that the writ petitioners therein have got an efficacious alternative statutory remedy under Section 77-B of the Registration Act. However, the writ petitioners therein have not filed any appeal before the appellate authority. Now there is no legal impediment for the 2nd respondent to conduct enquiry to cancel the registration of fabricated sale deeds dated 25.03.2023 in Document Nos.1413/2023, 1414/2023, 1416/2023, 1418/2023, 1417/2023, 1415/2023, on the file of the Sub Registrar, Nambiyur and Document Nos.4737/2023 and 4738/2023 on the file of the Sub Registrar, Avinasi, based on the petitioner's complaint.

10. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents.

11. Though the learned counsel for the petitioner referred the earlier writ petitions and also produced the copy of the same, he has not arrayed those writ petitioners as parties to these cases. Since already enquiry was conducted under Section 77A of the Registration Act and orders have also been passed, the aggrieved parties have to file appeal before the appellate authority as directed by this Court in the earlier writ petitions as stated above.



Even the writ petitioners in the said writ petitions have not filed any appeal before the appellate authority. Now the petitioner seeks direction to the 2nd respondent to proceed with the enquiry regarding the genuineness of the document.

12. Since the Single Benches of this Court have given different verdict, the enquiry under Section 77A of the Registration Act has been stayed and now the matter is pending with the Larger Bench of this Court. Therefore, this Court cannot decide the matters at present. The petitioner has to either wait till the outcome of the decision of the Larger Bench or there is no bar for the petitioner to seek remedy before the Civil Court.

13. With the above observations, the Writ Petitions are disposed of at the admission stage itself. No costs.

08.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. Inspector General of Registration
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Pattinapakkam, Chennai - 600 028

2. The District Registrar
No.81, Old Hospital Road,
Gobichettypalayam
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P.VELMURUGAN. J.

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