



W.P.No.1585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1585 of 2024

1.K.Ramadoss
2.C.Prabhakar

... Petitioners

versus

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai.

2.The District Registrar,
Registration Department,
Thiruvallur.

3.The Sub-Registrar
Sub-Registrar Office,
Mnavalan Nagar,
Thiruvallur Taluk and District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for records of the second respondent in his proceedings in Na.Ka.No.6767/A2/2023 dated 18.12.2023 and to quash the same.

Pg.Nos.1/5



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For Petitioners : Mr.P.Dinesh Kumar
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to quash the impugned order in Na.Ka.No.6767/A2/2023, dated 18.12.2023 passed by the second respondent.

3. The learned counsel for the petitioners submitted that the petitioners have given a representation to the second respondent on 08.12.2023 to cancel the documents in view of the order passed by this Court in C.R.P.No.2954 of 201, but the second respondent rejected the same by citing the Circular, dated 29.09.2023 issued by the Inspector General of Registration. The learned counsel for the petitioners further submitted that petitioners have not sought for initiation of proceedings under Section 77-A



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of 'the Registration Act, 1908' [hereinafter referred as 'the Act'] and they sought only to cancel the documents in view of orders passed by this Court in C.R.P.No.2954 of 2015.

4. Heard both sides and perused the materials available on record.

5. On a reading of the impugned order, it is stated that the amendment of Section 77-A of the Act is pending before the Larger Bench of this Court and this Court stayed the enquiry proceedings under Section 77-A of the Act. Pursuant to the same, the Inspector General of Registration also issued a Circular dated 29.09.2023 to the Registrars and the Sub-Registrars of the Registration Department that enquiry under Section 77-A of the Act, shall not be entertained and that will be considered after the decision of the Larger Bench of this Court. Therefore, the second respondent has rightly passed the impugned order stating that the grievance of the petitioners will be considered after the decision of the Larger Bench of this Court.



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6. Since the petitioners have got an efficacious alternative remedy either they can file Civil Suit or they can wait till the outcome of the decision of the Larger Bench of this Court. Hence, this Court is not inclined to entertain this writ petition by invoking Article 226 of Constitution of India. Therefore, this writ petition is dismissed, by granting liberty to the petitioners to work out their remedy before the competent forum in the manner known to law. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1.The Inspector General of Registration,
100, Santhome High Road, Chennai.

2.The District Registrar,
Registration Department,
Thiruvallur.

3.The Sub-Registrar
Sub-Registrar Office,
Mnavalan Nagar,
Thiruvallur Taluk and District.

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P.VELMURUGAN, J.

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