



WEB COPY



W.P.No.1832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.02.2024

Coram:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.1832 of 2024

and

WMP.No.1900 of 2024

L.Sekar

...Petitioner

Vs.

1.The Deputy General of Registration,
No.A49/1, Azhagesan Nagar,
Opp.to Chengalpattu Government,
Medical College and Hospital,
Chengalpattu – 603 001.

2.The District Registrar (Administration),
Registration District of Chennai South,
Integrated Building for Commercial Taxes,
and Registration Department Complex,
Veterinary Hospital Road,
Fanpet, Chennai – 600 035.

3.K.B.Muthukrishnan

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus, directing the 1st respondent to dispose of the First Appeal No.Nill of 2023 against the order dtaed 12.01.2023 made in Na.Ka.No.16043/E2/2021 passed by the 2nd respondent within a stipulated time to be fixed by this Hon'ble Court.



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For Petitioner : Mr.S.Thangavel
For Respondents :
R1 and R2 : Mr.B.Vijay
Additional Government Pleader
R3 : Mr.V.Chandra Kannan

ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Mandamus, directing the 1st respondent to dispose of the First Appeal No.Nill of 2023 against the order dated 12.01.2023 made in Na.Ka.No.16043/E2/2021 passed by the 2nd respondent within a stipulated time.

2. The case of the petitioner is that the property in Old S.No.261/1A2A part, New S.No.620/12, situated at Nadhivaram Village, Chengalpattu Taluk, a General Power of Attorney dated 07.09.2021 was executed in favour of the petitioner to which the 2nd respondent objected and sought a petition before the District Registrar of South Chennai for cancellation of the same dated 12.11.2021 but the 2nd respondent cancelled the petition by directing the 3rd respondent to approach the Civil Court in accordance with law. Again for the same cancellation, the 3rd



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respondent filed an appeal before the Deputy General of Registration then the 1st respondent sent notice to the petitioner and other interested parties for enquiry, after conducting enquiry the 1st respondent directed the 3rd respondent to produce patta in his favour, the 3rd respondent has prayed for keeping the appeal in abeyance and having a memo dated 09.01.2024 for which the 1st respondent directed the 3rd respondent to submit a letter to that effect and to keep the enquiry in abeyance for a period of six (6) months. The petitioner and other respondents objected for grant of time and requested to dispose of the appeal based on the materials placed on record. Inspite the petitioner's objection, the enquiry is still pending before the 1st respondent.

3. Mr.S.Thangavel, learned counsel for the petitioner submitted that, aggrieved by the order passed by the 2nd respondent Na.Ka.No.16043/E2/2021 dated 12.01.2023 , the 3rd respondent preferred an appeal before the 1st respondent and the said appeal is pending.

4. Since the appeal is preferred under Section 77 B of the Registration Act by the 3rd respondent herein before the Deputy General



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of Registration, South Chennai Registration District/1st respondent herein and there is also a stay granted by this Court and, the Larger Bench which is seized of the matter, regarding the enquiry under Section 77 A or appeal under Section 77 B of the Registration Act.

5. Therefore, till the outcome of the decision of the Hon'ble Larger Bench of this Court, this Court is not inclined to give any direction to the 2nd respondent. Hence the petitioner had to either wait till the decision of the Larger Bench of this Court and or that there is no bar for the parties to approach the Civil Court for appropriate remedy in accordance with law.

6. With the above observations, this writ petition stands disposed of. There shall be no order as to costs. Connected WMP is closed.

29.02.2024

Index : Yes/No
Speaking : Yes/No
Neutral Citation Case: Yes/No
nst



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P. VELMURUGAN,J.
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