



W.P.No.6177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.6177 of 2024

and

W.M.P.No.6837 of 2024

R.Rajesh

... Petitioner

Vs.

- 1 The District Collector,
Thiruvallur, Thiruvallur District.
- 2 The District Registrar,
Thiruvallur,
Thiruvallur District.
- 3 The District Registrar
Avadi, Sub Registrar,
Avadi, Chennai-54.
- 4 The Revenue Divisional Officer,
Avadi Taluk, Chennai-54
- 5 The Village Administrative Officer,
Cherayuncheri.
6. V.N.Devadas
7. P.R.Nandakumar

... Respondents



W.P.No.6177 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to cancel fraudulent document, the power of Attorney dated 04.03.2021 standing in the names of the 6th and 7th respondents, registered as Document No.3896 of 2021 in Survey No.198/8A in the Office of the Sub Registrar, Avadi Chennai based on the reports submitted by 4th respondent in proceedings umu.35/2019 dated 12.02.2019 and 5th respondent dated 12.02.2019.

For Petitioner : Mr.V.Gopinath

For R1, R4 & R5 : Mr.T.Arun Kumar
Additional Government Pleader

For R2 & R3 : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 to 3 to cancel fraudulent document, the power of Attorney dated 04.03.2021 standing in the names of the 6th and 7th respondents, registered as Document No.3896 of 2021 in Survey



W.P.No.6177 of 2024

No.198/8A in the Office of the Sub Registrar, Avadi, Chennai based on the reports submitted by 4th respondent proceedings in umu.35/2019 dated 12.02.2019 and 5th respondent dated 12.02.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is passed as against the private respondents, notice to the private respondents/R6 & R7 is dispensed with.

4. Subsequent to the order of this Court, there is an amendment in the Registration Act and Sections 77-A and 77-B have been inserted. Subsequently, there is a divergent view regarding the maintainability/applicability and as to whether the Section was to be applied retrospectively or prospectively. Now, a Larger Bench has been constituted to answer the divergent view of the learned Single Judges of this Court. Hence, this Court has stayed the proceedings under Section



W.P.No.6177 of 2024

WEB COPY

77-A of the Act and referred the matter to the Larger Bench of this Court.

Since the subject matter has been seized of by the Larger Bench of this Court, this Court cannot pass any order on merits. The petitioner shall wait till the outcome of the decision of the Larger Bench of this Court, if he is so advised.

5. With the abovesaid direction, The Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.6177 of 2024

To

- 1 The District Collector,
Thiruvallur, Thiruvallur District.
- 2 The District Registrar,
Thiruvallur,
Thiruvallur District.
- 3 The District Registrar
Avadi,
Sub Registrar,
Avadi, Chennai-54.
- 4 The Revenue Divisional Officer,
Avadi Taluk,
Chennai-54
- 5 The Village Administrative Officer,
Cherayuncheri.



WEB COPY



W.P.No.6177 of 2024

P.VELMURUGAN, J.

mfa

**W.P.No.6177 of 2024
and
W.M.P.No.6837 of 2024**

08.03.2024