



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4033 of 2024

K.Elumalai

... Petitioner

Vs.

1. The District Registrar (Admin)
Thirupathur
Thirupathur District

2. Kannupaiyan

3. Rajathi

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondent to consider and pass order on petitioner complaint dated 20.11.2023 and dispose of the same within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Arokia Mani Raj

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

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This Writ Petition is filed seeking a Mandamus directing the 1st respondent to consider and pass order on the petitioner's complaint dated 20.11.2023 and dispose of the same within the time frame that may be fixed by this Court.

2. The contention of the petitioner is that the petitioner had sent a complaint dated 20.11.2023 to the 1st respondent/District Registrar herein for cancellation of the illegal settlement deed execute by his father/2nd respondent, in favour of his grand daughter/3rd respondent vide Doc. No.3710 of 2019 dated 26.12.2019 on the file of the SRO, Natrampalli, Tiruppathur District, under Section 77-A of the Registration Act. So far, the same has not been considered. Hence, the present Writ Petition is filed before this Court.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes



notice for the 1st respondent. Since no adverse order is being passed against the respondents 2 to 3, notice to the respondents 2 and 3 is dispensed with.

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4. It is seen that the petitioner has given a complaint before the 1st respondent to cancel the said settlement deed under Section 77-A of the Registration Act. But, due to the divergent views taken by the learned Single Judges of this Court regarding enquiry under Section 77-A of the Act, one of the Benches of this Court has already stayed the enquiry under Section 77-A of the Act. Further, there is a reference before the Larger Bench of this Court to settle the issue and the same is pending. Since, the Larger Bench of this Court has seized of the matter, this Court is not inclined to give any direction to the official respondent regarding the enquiry under Section 77-A of the Act. However, there is no bar for the petitioner to seek remedy before the Civil Court. The petitioner can approach the Civil Court challenging the said document or he can wait till the outcome of the decisions of the Larger Bench of this Court.



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5. With the above observations, this Writ Petition is disposed of at the admission stage itself. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

The District Registrar (Admin)

Thirupathur

Thirupathur District

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P.VELMURUGAN. J.

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