



WEB COPY



W.P.No.3088 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.3088 of 2024
and W.M.P.No.3373 of 2024

M/S.SAVITHA ESTATES AND BUILDERS PVT. LTD.
NOW CHANGED as B M P BUILDERS AND
DEVELOPERS INDIA PVT.LTD.,
A PRIVATE LIMITED COMPANY,
INCORPORATED AND REGISTERED
UNDER THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE,
AT SAVITA ENCLAVE, NO.3, 4TH ST.,
R V NAGAR, ANNA NAGAR, EAST,
CHENNAI 600 102.
REP. BY ITS DIRECTOR
MR.M. P. SAI CHANDAN.

... Petitioner

Vs.

1. THE INSPECTOR GENERAL OF REGISTRATION
NO.100 SANTHOME HIGH ROAD,
R A PURAM, CHENNAI 600028.

2. THE DISTRICT COLLECTOR
SINGARAVELAN MALIGAI,
RAJAJI SALAI, CHENNAI 600001.

3. THE JOINT SUB-REGISTRAR II
(IN THE CADRE OF DISTRICT REGISTRAR),
THOUSAND LIGHTS
SUB-REGISTRATION OFFICE,
NO.6 K B DASAN ROAD,
SEETHAMMAL COLONY, ALWARPET, CHENNAI 18.



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4.A.KANTHAPPAN

5. K.VIJI

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to cancel the deed of settlement in Doc.No. 704/2021 dated 04.08.2021 fraudulently with a mala-fide created by the 4th and 5th respondents, registered in the office of the 3rd respondent in considering the written representation dated 01.03.2023.

For Petitioner : Mr.V.Jayachandran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for RR1 to 3
for RR4 & 5 – Not ready in notice

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the 3rd respondent to cancel the deed of settlement in Doc.No. 704/2021 dated 04.08.2021 fraudulently obtained by the 4th and 5th respondents, registered in the office of the 3rd respondent, by considering the written representation of the petitioner dated 01.03.2023.

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



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notice for the respondents 1 to 3. Since there is no adverse order is being passed in this Writ Petition, as against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the representation of the petitioner dated 01.03.2023 falls under Section 77A of the Registration Act and the subject matter has already been seized of to the Larger Bench of this Court.

4. Heard both sides and perused the material records of the case.

5. 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 matter 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.

6. With the above observations, this Writ Petition stands disposed of.



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No costs. Consequently connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

To

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P.VELMURUGAN, J.,

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