



W.P. No.4413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4413 of 2024

A.Vellingirisamy

... Petitioner

Vs.

1. The District Registrar (Administration)
cum Asst. Inspector General of Registration
Coimbatore
Coimbatore District

2. The Sub Registrar
Thondamudhur
O/o. Sub Registrar Office
Thondamudhur
Coimbatore

3. The Sub Registrar
Raja Veedhi
Coimbatore
Coimbatore District

4. Mrs.Kaaliammal
5. Vasanth Kumar Jain
6. Mrs.Velumani
7. Mrs.Valliammal



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8. G.Augustin

9. Pavesh Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to implement the order passed by the 1st respondent in Na.Ka.No.9879/E2/2022 dated 12.04.2023 on the basis of petitioner representation dated 14.08.2023 within a stipulated time as directed by this Court.

For Petitioner : Mr.S.Venkatesh

For R1 to R3 : Mr.U.Baranidharan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 2nd respondent to implement the order passed by the 1st respondent in Na.Ka.No.9879/E2/2022 dated 12.04.2023 on the basis of petitioner' representation dated 14.08.2023, within a stipulated time as directed by this Court.

2. The case of the petitioner is that the petitioner's father and his brothers were inherited 2.48 $\frac{3}{4}$ Acres of land in Survey No.456/3C1, 456/3E, 457/2A by their sister Kaliammal W/o.Palani Gounder in the year



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1959 by a registered settlement deed in Doc. No.23/1959 and Pattas were

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also issued in favour of the petitioner's father. The 4th respondent was having some lands nearby the petitioner's land and taking advantage of the same name of Kaliammal, the 4th respondent, illegally created 4 documents in Doc.Nos.7985/2010, 1205/2012, 3116/2011, 2899/2012 by using fabricated Pattas and subsequently, sold the said lands to the respondents 5 to 9 herein. On coming to know of the same, the petitioner made a complaint under Section 77A of the Registration Act and subsequently, the 1st respondent passed the impugned order cancelling all the said documents whereas, based on the said forged documents, some other documents were also registered and they were not cancelled. The contention of the learned counsel for the petitioner is that when a parent document is cancelled, all the subsequent documents registered on the basis of the same, should also be cancelled whereas, the 2nd respondent did not do so. Therefore, the petitioner gave a representation to the 2nd respondent to properly implement the order passed by the 1st respondent



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by cancelling the subsequent document also. Since the same has not been considered, the present Writ Petition is filed.

3. Mr.U.Baranidharan, learned Additional Government Pleader takes notice for the respondents 1 to 3. Since no adverse order is being passed against the respondents 4 to 9, notice to the respondents 4 to 9 is dispensed with.

4. It is seen that already certain documents have been cancelled by the authorities based on the complaint filed by the petitioner under Section 77A of the Registration Act. The grievance of the petitioner is that the subsequent documents executed based on the alleged forged documents have not been cancelled whereas, this Court has already stayed the enquiry under Section 77A of the Registration Act due to the divergent views taken by the learned Single Judges of this Court and subsequently, Larger Bench of this Court has been constituted to settle the issue and now the matter is seized of by the Larger Bench. Therefore, this Court is not inclined to give any direction.



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5. However, the petitioner has got an alternative statutory appeal remedy under Section 77B of the Registration Act. The petitioner can either file an appeal under Section 77B of the Registration Act or he can wait till the outcome of the decisions of the Larger Bench or otherwise, there is no bar for the petitioner to get remedy from the Civil Court in the manner known to law.

6. With the above directions, this Writ Petition is disposed of at the admission stage itself. 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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P.VELMURUGAN. J.

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