



WEB COPY

W.P. No.4612 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4612 of 2024

M.Abbas

... Petitioner

Vs.

1. The District Registrar
Kallakurichi District

2. Ammena Bee

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the 1st respondent to consider the petitioner's appeal dated 28.11.2022 consequently, direct the respondents to cancel the illegal sale agreement Doc.No.1234/1992 dated 17.09.1992 and Sale Deed Doc. No.313/1993 dated 06.04.1993, registered on the file of the Sub Registrar, Vadakkananth, Kallakurichi District.

For Petitioner	: Mr.S.N.Subramani
For R1	: Mr.Yogesh Kannadasan Special Government Pleader



ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 28.11.2022 and consequently direct to cancel the illegal sale agreement in Doc.No.1234/1992 dated 17.09.1992 and the Sale Deed in Doc. No.313/1993 dated 06.04.1993, executed by the 2nd respondent herein and registered on the file of the Sub Registrar, Vadakkananthal, Kallakurichi District in respect of the petitioner's property.

2. The contention of the petitioner is that he appeared before the 1st respondent on the hearing dates fixed by 1st respondent viz., on 24.02.2023 and 11.07.2023 and offered his explanation. However, till date, no order has been passed. Hence, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the 1st respondent. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It is to be noted that in view of the divergent views taken by the learned Single Judges of this Court, this Court has stayed the enquiry under



Section 77A of the Registration Act and subsequently, the matter was referred to Larger Bench of this Court and now the Larger Bench is seized of the matter. Under these circumstances, this Court is not inclined to pass any positive orders. However, there is no bar for the petitioner to seek remedy before the Civil Court. The petitioner can either approach the Civil Court or he can wait till the outcome of the decisions of the Larger Bench.

5. With the above observations, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

27.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

The District Registrar
Kallakurichi District

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P.VELMURUGAN. J.

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