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W.P. No.5117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5117 of 2024

R.Kalaichezhian

... Petitioner

Vs.

1. The District Registrar

Tiruvannamalai District

2. The Sub Registrar

Polur, Tiruvannamalai District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to cancel the mortgage deed pertaining to document Nos.84/2006, 85/2006, 581/2006 and sale agreement pertaining to document No.2413/2006 based on the certified copy of the decree and judgment dated 25.10.2021, passed in O.S.No.38 of 2011 on the file of the Sub Court of Arani.

For Petitioner : Mr.S.Gunaseelan

For Respondents : Mr.B.Vijay

Additional Government Pleader



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ORDER

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This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to cancel the mortgage deed pertaining to document Nos.84/2006, 85/2006, 581/2006 and sale agreement pertaining to document No.2413/2006, based on the certified copy of the decree and judgment dated 25.10.2021, passed in O.S.No.38 of 2011 on the file of the Sub Court of Arani.

2. The learned counsel for the petitioner submitted that the petitioner made a representation to the 1st respondent on 14.09.2023 to cancel the above said mortgage deeds and sale agreement based on the certified copy of the decree and judgment dated 25.10.2021 passed in O.S.No.38 of 2011 on the file of the Sub Court, Arani. However, the same has not been considered so far. Hence, the present Writ Petition is filed.

3. Mr.B.Vijay learned Additional Government Pleader takes notice for the respondents.



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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 the Larger Bench of this Court and now the Larger Bench is seized of the matter. Further, the Inspector General of Registration has also issued a circular directing the Registrars not to conduct enquiry under Section 77A of the Registration Act in respect of forged documents until the outcome of the decisions of the Larger Bench of this Court.

5. Under these circumstances, this Court is not inclined to give any directions. However, there is no bar for the petitioner to seek remedy before the Civil Court. The petitioner can either approach the Civil Court to work out his remedy or he can wait till the outcome of the decisions of the Larger Bench.



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

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the admission stage itself. There shall be no order as to costs.

29.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

1. The District Registrar

Tiruvannamalai District

2. The Sub Registrar

Polur, Tiruvannamalai District



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P.VELMURUGAN. J.

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