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W.P. No.6491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6491 of 2024 and
W.M.P. Nos.7219 of 7220 of 2024

1. T.Prabakaran
2. Amutha
3. Priya
4. Manickam

... Petitioners

Vs.

1. The District Registrar
Salem East District Registrar Office Complex
Kumaragiri Bye Pass Road,
Udayapatti Power House
Kamarajar Nagar, Ammapettai, Salem

2. The Sub Registrar,
Sub Registrar Office, Thalaivasal,
Salem District

3. A.Malliga
4. A.Sivakumar
5. A.Ravichandran
6. A.Velmurugan

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to conduct the enquiry and pass final orders on the complaint dated 09.10.2023 and legal notice dated 25.11.2023 submitted by the petitioners seeking for cancellation of forged document registered by the 2nd respondent in document Nos.2703 and 2694 dated 07.08.2023 and 30.08.2023 within stipulated time in terms of amended Act 41/2022 of Tamil Nadu Registration Act, dated 16.08.2022.

For Petitioners : Mr.P.I.Thirumoorthy
For R1 and R2 : Mr.R.Neethi Perumal
Government Advocate

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to conduct the enquiry and pass final orders on the complaint dated 09.10.2023 and legal notice dated 25.11.2023 submitted by the petitioners seeking for cancellation of forged document registered by the 2nd respondent in document Nos.2703 and 2694 dated 07.08.2023 and 30.08.2023 within stipulated time in terms of amended Act 41/2022 of Tamil Nadu Registration Act, dated 16.08.2022.



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2. Mr.R.Neethi Perumal, learned Government Advocate takes notice

for the respondents 1 and 2.

3. Since no adverse order is being passed against the respondents 3 to 6, notice to the respondents 3 to 6 is dispensed with.

4. It is to be noted that due to the divergent views taken by the learned Single Judges of this Court, one of the single benches of this Court has already stayed the enquiry under Section 77A of the Registration Act regarding cancellation of forged documents 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 Registering authorities not to conduct enquiry under Section 77A of the Registration Act in respect of cancellation of forged documents until the outcome of the decisions of the Larger Bench of this Court.

5. Since the issue regarding enquiry under Section 77A of the Registration Act is pending before the Larger Bench, this Court is not



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inclined to give any directions. However, there is no bar for the petitioner

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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.

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

7. Consequently, the W.M.P. No.7219 of 2024 is ordered subject to payment of separate Court fee by each of the Writ Petitioners. The W.M.P. No.7220 of 2024 is closed. There shall be no order as to costs.

13.03.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The District Registrar
Salem East District Registrar Office Complex
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2. The Sub Registrar,
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P.VELMURUGAN. J.

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