



W.P.No.6960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6960 of 2024

D.Vimal Rajkumar

... Petitioner

versus

1. The Inspector General of Registration,
O/o.The Inspector General,
Santhome High Road,Chennai – 600 028.

2.The District Registrar (Administration),
South Chennai,
In the cadre of Assistant Inspector General,
Chennai.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to dispose of stay petition dated 08.02.2024 pending on the file of the first respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Subramanian

For Respondents : Mr.B.Vijay
Additional Government Pleader



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ORDER

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Mr.B.Vijay, learned Additional Government Pleader accepts notice for the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to dispose of the stay petition dated 08.02.2024 pending on the file of the first respondent within a time frame as may be fixed by this Court.

3. The learned counsel for the petitioner submitted that challenging the order dated 25.04.2023 passed by the second respondent under Section 77-A of 'the Registration Act, 1908' [hereinafter referred to as 'the Act'], the petitioner preferred an appeal under Section 77-B of the Act before the Inspector General of Registration on 22.05.2023. Since there is a legal impediment regarding hearing of the appeal, the Larger Bench of this Court is seized of the matter. The learned counsel for the petitioner further

submitted that now, the matter is pending before the Larger Bench, and the only impediment is to dispose of the appeal and not to hear the interlocutory



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application, which was filed by the petitioner on 08.02.2024, seeking to stay the order passed by the second respondent dated 25.04.2023.

4. The contention of the learned counsel for the petitioner is not acceptable, as already one of the single Benches of this Court stayed the proceedings under Section 77-A of the Act. Now, due to divergent views of the single Benches of this Court, the matter is referred to the Larger Bench of this Court and the same is pending. However, the petitioner, either has to wait till the outcome of the decision of the Larger Bench of this Court, or otherwise, there is no legal impediment for the petitioner to approach the civil Court for getting appropriate orders. Since the petitioner has got an efficacious alternative remedy and there is also a legal impediment for the first respondent to proceed with the matter under Section 77-A of the Act, this Court is not inclined to give any direction to the first respondent to dispose of the stay petition dated 08.02.2024.

5. With the above observations, the writ petition is disposed of. 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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To

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