



WEB COPY

W.P.No.6683 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6683 of 2024

Kaliyammal @ Kali

... Petitioner

Vs.

1. The District Registrar
Registration Department
Ranipet District, Ranipet

2. The Sub Registrar
Registration Department
Kalavai, Kalavai Taluk
Ranipet District

3. Pounammal
4. Shanmugasundaram
5. Sampath
6. Ramachandran

... 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 pass final order on the basis of the enquiry conducted by the 1st respondent in his proceedings Na.Ka.No.3752/A2/2023, dated 17.08.2023 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For R1 and R2 : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent to pass final order on the basis of the enquiry conducted by the 1st respondent in his proceedings Na.Ka.No.3752/A2/2023, dated 17.08.2023, within a stipulated time.

2. The case of the petitioner is that the petitioner is having a land situated in S.No.579/1, Chenna Samuthiram Mottur Village, Kalavai Taluk, Ranipet District and enjoying the said land by cultivating agricultural crops. While so, the 3rd respondent with the help of a Document Writer namely Ramalingam and the respondents 5 to 6 herein, created a forged document as if, the petitioner sold the said land in favour of the 4th respondent and also registered the same before the 2nd respondent in Document No.4739 of 2012 dated 12.12.2012 and after a period of 11 years, the 3rd respondent made an attempt to trespass into the petitioner's land stating that they had already purchased the land from the petitioner. Immediately, the petitioner verified the document with the 2nd respondent office and came to know about the forged document. Hence, he made a complaint before the 1st respondent under Section 77A of the Registration Act, requesting to cancel the said document. After verifying the above said document, the 1st respondent, ordered enquiry under Section 77A of the Registration Act and accordingly,



the enquiry was conducted on 05.09.2023 during which, the petitioner appeared and produced the entire original documents to prove the petitioner's ownership. However, till today, no final order is passed. Hence, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 and 2. Since no adverse order is being passed against the respondent 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 of the learned Single Judges of this Court, one of the Single Benches of this Court, has stayed the enquiry under Section 77A of the Registration Act. Thereafter, the matter was referred to the Larger Bench of this Court and now, the matter is pending before the Larger. 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 cancellation of forged documents, until the issue is decided by the Larger Bench of this Court.

5. Under these circumstances, the 1st respondent neither can conduct enquiry nor pass orders. Since the Larger Bench is seized of the matter, this Court is not inclined to give any direction. The petitioner can either wait till



the out of the decisions of the Larger Bench of this Court or otherwise, she can work out her remedy before the Civil Court in the manner known to law since the remedy before Civil Court is not barred.

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

13.03.2024

ksa-2

Index : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Registrar
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Kalavai, Kalavai Taluk
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W.P.No.6683 of 20





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P.VELMURUGAN. J.

Ksa-2

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