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W.P. No.6953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6953 of 2024

Krishnachetty Vijaykumar

... Petitioner

Vs.

1. The Inspector General of Registration
Santhome Road, Chennai

2. The Commissioner of Police
Coimbatore City, Coimbatore District

3. The District Registrar
Coimbatore District

4. The Sub Registrar
Coimbatore North Registration
Coimbatore

5. P.Sivanantham

6. S.Preetha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to take an action by cancelling the sale deed vide Document Registration No.1/5781/2023 dated 04.08.2023 on the file of the 4th respondent



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executed by the petitioner in favour of the 6th respondent and to take an appropriate action for evasive stamp duty made by the 5th and 6th respondents by considering the petitioner's representation dated 18.02.2024 in the light of the order passed in W.A.No.3573 of 2023 dated 12.02.2024 within a time stipulated by this Court.

For Petitioner : Mr.M.Natarajan
For R1 to R4 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 3rd respondent to conduct enquiry under Section 77A of the Registration Act regarding cancellation of the forged document viz., sale deed vide Document Registration No.1/5781/2023 dated 04.08.2023, on the file of the 4th respondent, executed by the petitioner in favour of the 6th respondent and to take an appropriate action for evasive stamp duty made by the 5th and 6th respondents, by considering the petitioner's representation dated 18.02.2024, in the light of the order passed in W.A.No.3573 of 2023 dated 12.02.2024, within a time stipulated by this Court.



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2. The learned counsel for the petitioner submitted that the Division Bench of this Court, has given a direction to the Registration Department that there is no legal impediment to exercise the powers conferred under Section 77A and 77B of the Registration Act and to entertain complaints regarding cancellation of alleged forged documents which were registered on or after the amendment and that the documents, alleged to have been forged and executed prior to the amendment alone pending with the Larger Bench. Therefore, the 3rd respondent may be directed to conduct enquiry under Section 77A of the Registration Act to cancel the above said document.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 4. Since no adverse order is being passed against the respondents 5 and 6, notice to the respondents 5 and 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



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stayed the enquiry under Section 77A of the Registration Act and

thereafter, the matter was referred to the Larger Bench of this Court and

now the issue is pending before the Larger Bench.

5. Since the Larger Bench of this Court is seized of the matter, this Court is not inclined to give any direction. However, the petitioner can either wait till the outcome of the decisions of the Larger Bench or there is no bar for the petitioner to seek remedy before the Civil Court. The petitioner can always approach the Civil Court challenging the document in dispute.

6. With the above observations, this Writ Petition is disposed of at the admission stage itself. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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