



W.P. No.8158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.8158 of 2024

Shanthi Bai

... Petitioner

Vs.

The District Registrar
Office of the District Registrar
Chennai - 600 108

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 15.05.2023 and to conduct fair enquiry and expedite the enquiry and dispose the same within the time stipulated by this Court.

For Petitioner : Mr.J.David Ganesan

For Respondent : Mr.Yogesh Kannadasan

Special 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 respondent to consider the petitioner's representation dated 15.05.2023 and to conduct a fair enquiry and dispose of the same within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property in question. Earlier, she had executed a settlement deed in respect of her property, in favour of her husband. Thereafter, her husband executed a settlement deed in respect of the same property, in favour of the petitioner and thereafter, the petitioner has become the absolute owner of the property. While so, on 05.06.2022, the petitioner's husband passed away and thereafter, she was battling for her survival without any proper income. While so, she took the property documents to the xerox shop to take xerox and unfortunately, she lost the documents. Immediately, she lodged a complaint through Tamil Nadu Police Online Complaint Portal on 04.10.2022 and she also gave paper



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publication on 06.04.2023. Thereafter, she rushed to the Registration

Office and obtained encumbrance certificate and to her shock and surprise, she came to know that several forged documents were created in respect of her property and all were registered. Hence, she made a representation dated 15.05.2023 setting out all the facts along with supporting documents and requested the authorities to take action as against the erring officials and the persons who involved in the creation of forged documents under Section 77A of the Registration Act and to cancel all the forged documents registered in respect of her property. However, no action has been taken. Hence, the present Writ Petition is filed.

3. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent.

4. The allegation made by the petitioner, falls under Section 77A of the Registration Act. But,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



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

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Bench is seized of the matter and the same is pending. 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 outcome of the decisions of the Larger Bench of this Court.

5. Under these circumstances, this Court is not inclined to give any direction. The petitioner can either wait till the outcome 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.

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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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P.VELMURUGAN. J.

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