



W.P.No.7506 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.7506 of 2024

and

W.M.P.No.8407 of 2024

G.Rajeshwari

... Petitioner

Vs.

1. The District Registrar,
(Administration),
Office of the District Registrar,
No.47/8, Venkatesan Sreet,
West Tambaram,
Chennai 600 045.

2. S.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned notice having reference No.439/E3/2023 dated 06.03.2024 on the file of the first respondent and to quash the same.

For Petitioner : Mr.E.P.Senniyangiri

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorari calling for the records pertaining to the impugned notice having reference No.439/E3/2023 dated 06.03.2024 on the file of the first respondent and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondent and perused the materials available on record.

3. Since there is no adverse order passed against the private respondent, notice to the private respondent/R2 is dispensed with.

4. The petitioner has challenged the impugned notice issued by the first respondent.



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5. In the impugned notice itself, the respondent referred the date of application filed by the second respondent ie., 11.04.2022 and also order of this Court in W.P.No.19197 of 2022 dated 28.07.2022 filed by the second respondent. This Court in W.P.No.19197 of 2022 had given direction to the respondent therein to consider the representation of the second respondent herein. The first respondent issued the impugned notice only on 06.03.2024, by that time, there was an amendment in Sections 77(A) and 77(B) of the Registration Act regarding the cancellation of forged document. Now, a Larger Bench has been constituted to answer the divergent view of the learned Single Judges of this Court. Hence, this Court has stayed the proceedings under Section 77-A of the Act and referred the matter to the Larger Bench of this Court. Hence, impugned notice passed by the first respondent is hereby quashed. Either the petitioner can workout her remedy before the Civil Court, or she shall wait till the outcome of the decision of the Larger Bench of this Court, if she is so advised. There is no bar for the petitioner to get the remedy before the Civil Court.



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6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

7. The first respondent/The District Registrar (Administration), West Tambaram, Chennai-45 appeared before this Court and tendered his apology. His personal appearance is dispensed with.

26.03.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The District Registrar,
(Administration),
Office of the District Registrar,
No.47/8, Venkatesan Sreet,
West Tambaram,
Chennai 600 045.



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P.VELMURUGAN, J.

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