



W.P.No.18103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18103 of 2024

1. Samiappan

2. Usha Rani

... Petitioners

Vs

1. Inspector General of Registration,
Santhome High Road,
Chennai.

2. The District Registrar,
Registration Department,
Salem.

3. The Sub Registrar,
Mettur,
Salem District.

4. Arumugam

5. Manivel

6. Mirnalini Raj

6. Selvi

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to take departmental action on the fourth respondent by considering the complaint dated 21.03.2024.

For Petitioners : Mr. A.Sundara Vadhanan

For Respondents : Mr. Shajahan,
Special Government Pleader (for R1 to R3)

O R D E R

This Writ Petition is filed for directing the first and second respondents to take departmental action as against the fourth respondent by considering the complaint dated 21.03.2024.

2. The petitioner owned the properties comprised in Survey Nos. 202/1B, 1E, 1C, 1E, 1F and 1H situated at Chinna Mettur, Mettur Taluk, Salem District. While that being so, the subject properties were sold out once again the petitioner's vendor sold out the very same properties in favour of various persons. Therefore, the petitioner filed a suit in O.S. No.45 of 2012 on the file of the Subordinate Court, Mettur to set aside the sale deed as null and void. The said suit was decreed on 11.05.2022 in favour of the



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petitioner. The said decree was duly registered by the third respondent.

3. While that being so, one of the defendant, viz., the fifth respondent herein had executed settlement deed in favour of the sixth respondent herein. The same was registered by the fourth respondent without even verifying the survey numbers which were already declared in favour of the petitioner and the same was registered vide Document No. 19 of 2022. In turn the sixth respondent sold out the property in favour of the seventh respondent. Hence, the petitioners lodged a complaint before the first and second respondents to take appropriate action as against the fourth respondent.

4. The learned Special Government Pleader appearing for the first to third respondents submitted that Section 77A of the Registration Act, is now pending before the Full Bench of this Court and as such, the first and second respondents could not take appropriate action as against the fourth respondent.



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5. It is seen that Section 77A of the Registration Act deals with the cancellation of the registered document and it is nothing to do with the disciplinary proceedings. Therefore, the first and second respondents are directed to take appropriate action on the complaint dated 21.03.2024 for illegally committed by the fourth respondent after issuance of notice to the petitioner and the fourth respondent on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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