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W.P.No.26390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26390 of 2024

Manju Foundations Pvt. Ltd.,
Represented by its Director Kumar,
No.8, Sapthaswara Apartment,
Chennai 600 083.

...Petitioner

Vs.

1. The District Collector,
Villupuram, Villupuram District.
2. The District Registrar,
Tindivanam, Villupuram District.
3. Sub Registrar,
Marakkanam, Villupuram District.
4. Deepa Surana
5. N.K.Surana
6. Dhinesh Surana

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to take action on the letter dated 18.11.2022 sent by the first respondent in his Na.Ka.B2/55/2022 and cancel the documents registered in respect of Survey No.438/1 with an extent of 0.95.0 Hec., Survey No.438/4 with an extent of



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0.45.0 Hec. and Survey No.439 with an extent of 23.51.0 Hec. of Keezh Pudhpattu Village, Tindivanam Taluk, Villupuram District.

For Petitioner : Mr.Titus Knock

For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the second respondent / the District Registrar, Tindivanam, to take action on the letter dated 18.11.2022 sent by the first respondent in Na.Ka.B2/55/2022 and cancel the documents registered in respect of land in Survey No.438/1 with an extent of 0.95.0 Hec., Survey No.438/4 with an extent of 0.45.0 Hec. and Survey No.439 with an extent of 23.51.0 Hec. of Keezh Pudhpattu Village, Tindivanam Taluk, Villupuram District.

2. The first respondent in his letter dated 18.11.2022 directed the second respondent to cancel the documents executed by private parties in respect of lands classified as Beach (Kadarkarai Government Poramboke).



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3. In view of the order passed by the Division Bench of this Court in ***M.Kathirvel Vs The Inspector General of Registration*** in W.P.Nos.10291 of 2022 and batch, striking down Section 77 (A) of the Registration Act, the second respondent cannot cancel the registered documents as there is no enabling provision under the Registration Act. However, the first respondent is directed to take appropriate action in respect of the documents executed by the private person in respect of the land classified as Beach (Kadarkarai Government Poramboke).

4. In view of the same, this Court is inclined to issue a direction to the first respondent to take appropriate action in accordance with law against the documents executed by the private persons in respect of land classified as Beach (Kadarkarai Government Poramboke) and pass final orders on its own merits, after issuing show cause notice to the concerned persons, within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The District Collector,
Villupuram, Villupuram District.
2. The District Registrar,
Tindivanam, Villupuram District.
3. Sub Registrar,
Marakkanam, Villupuram District.



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S. SOUNTHAR, J.

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