



W.P.No. 6291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6291 of 2024

R.Bhagyalakshmi

... Petitioner

versus

1.State Rep.by

The District Registrar (Administration),
(In the cadre of Assistant Inspector
General of Registration), Chennai South,
Nandanam, Chennai – 600 035.

2.The Sub Registrar,

Kundrathur Sub Registrar Office,
Kunndrathur.

3.P.G.Shanmuganantham

4.P.G.Rajasekaran

5.P.G.Kannappan

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the first respondent in Naa.Ka.No.22732/E2/2022 dated 21.07.2023 and quash the same.

For Petitioner : Mr.T.Surendran
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R2

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against respondents 3 to 5, affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed to quash the impugned order in Naa.Ka.No.22732/E2/2022 dated 21.07.2023 on the file of the first respondent.



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3. Learned counsel for the petitioner submitted that the petitioner's husband has purchased the subject property and the same was registered in the name of the petitioner's husband by virtue of registered sale deed dated 29.09.2000 vide Doc.No.12540 of 2006. While so, the petitioner's husband intended to settle the subject property in favour of the petitioner and submitted the document for registration, but the said document has been kept pending in P 740/2000. Subsequently, the petitioner has given No objection for cancelling the document pending in P 740/2000. When the petitioner's husband approached the second respondent for registering the subject property to the name of the third party, it came to light that the second respondent registered the sale deed in the name of the petitioner vide Document No.12735 of 2007 even after giving letter for cancellation of sale deed. Hence, the petitioner's husband gave a representation to the first respondent to cancel the registration which was wrongly done in the name of the petitioner. As the first respondent passed the impugned order stating that



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pending document in P 740 of 2000 was registered on 31.10.2007 as Doc.No.12735 of 2007 and the same cannot be cancelled since the purchase made by the petitioner is valid and hence, cancelling the said deed under Section 77-A of the Registration Act is not permissible. Hence, the petitioner is constrained to file the present writ petition.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner has got efficacious alternative remedy under Section 77-B of the Registration Act to challenge the order dated 21.07.2023, instead of invoking the appellate remedy, the petitioner has hastily filed the present writ petition.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and perused the materials available on record.



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6. Since the petitioner is having an efficacious appellate remedy under Section 77-B of the Act before the Inspector General of Registration as against the impugned order passed by the first respondent, he is at liberty to work out his remedy either before the Civil Court or by filing an appeal before the Inspector General of Registration by invoking Section 77-B of the Act or he can wait till the outcome of the decision of the Larger Bench of this Court. Hence, this Court is not inclined to entertain this writ petition by invoking Article 226 of Constitution of India.

7. With the above observation, the writ petition is disposed of. However, 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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