



W.P.No.33318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33318 of 2023

A.Aiyadurai

... Petitioner

Vs.

1 The District Registrar
Salem Town,
Salem District,
Salem-636 302.

2. The Deputy Registrar,
Office of the Deputy Registrar,
2nd floor, Kumaragiri Bypass Road,
Near Kilash Manasaruvur CBSE School,
Kamarajar Nagar Colony,
Salem District-636 014.

3. The Sub Registrar,
Sub Registrar Office,
Suramangalam (West),
Salem-636 302.

4 Maligha

5. Sunderesan

6. Sivasankaran

... Respondents



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PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner representation dated 22.10.2023 in accordance with Section 77 A of the Registration Act 1908, and conclude the enquiry within the time stipulated in the said Act.

For Petitioner : Mr.U.Gowri Shankar

For R1 to R3 : Mr.R.Vigneshwaran
Government Advocate

For R4 to R6 : Mrs.R.Meenal

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner representation dated 22.10.2023 in accordance with Section 77 A of the Registration Act 1908, and conclude the enquiry within the time stipulated in the said Act.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents.

3. It is the contention of the petitioner that his father and mother



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jointly executed a Will dated 03.06.1987 with respect to subject property.

The private respondents created a forgery document and manipulated the signature of petitioner's father and registered a document in favour of them. Hence he made representation dated 09.09.2023 before the respondents to take appropriate action for cancelling the aforesaid forged documents under Section 77-A of the Registration Act. Since the respondents have neither called for enquiry nor given response to his application, he is constrained to file the present writ petition.

4. Subsequent to the order of this Court, there is an amendment in the Registration Act and Sections 77-A and 77-B have been inserted. Subsequently, there is a divergent view regarding the maintainability/applicability and as to whether the Section was to be applied retrospectively or prospectively. 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. Since the subject matter has been seized of by the Larger Bench of this



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Court, this Court cannot pass any order on merits. The petitioner has got an alternative remedy and either he can workout his remedy before the Civil Court, or he shall wait till the outcome of the decision of the Larger Bench of this Court, if he is so advised.

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

There shall be no order as to costs.

31.01.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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P.VELMURUGAN, J.

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