



W.P.No.3151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3151 of 2024

and

W.M.P.No.3419 of 2024

P.Ravichandran

... Petitioner

versus

1.The Inspector General of Registration,
I.G.Registration Office,
100, Santhome High Road,
Chennai- 600 028.

2.The District Registrar (Admin),
South Chennai,
Nandanam, Chennai – 600 035.

3.The District Registrar,
District Registrar Office,
Tambaram,No.47/8, Venkatesan Street,
Tambaram West, Chennai – 600 045.

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4.The Sub Registrar,
Pallavaram,
Chennai – 600 043.

5.S.Madhan Kumar

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to pass orders on the petitioners complaint dated 01.03.2023 in a time bound manner.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R4

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 to 4. Since no adverse orders are being passed against the fifth respondent, notice to the fifth respondent is dispensed with.

2. This writ petition has been filed seeking for issuance of a simple



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writ of mandamus, directing respondents 1 to 3 to pass orders on the petitioner's complaint dated 01.03.2023.

3.The main grievance of the petitioner is that even though he has given a complaint to the second respondent on 01.03.2023 seeking to conduct enquiry regarding the registration of sale deed by producing the forged documents, till date, the second respondent has not taken any action on the said complaint.

4. The learned Special Government Pleader appearing for respondents 1 to 4 submitted that the petitioner has given a complaint to conduct enquiry regarding forged documents. However, the enquiry under Section 77-A of the Registration Act, 1908 is pending before the Larger Bench of this Court. Hence, the respondents are not in a position to proceed with the complaint given by the petitioner.

5.Heard both sides and perused the materials available on record.



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6. With regard to the amendment of Section 77-A of the Act, there are divergent decisions of two separate Benches of this Court as to whether the amendment of Section 77-A of the Act, has to be given retrospective effect or prospective effect and the said decisions have been referred to a Larger Bench to decide the matter. Hence, the proceedings under Section 77-A of the Act, are stayed by this Court. Pursuant to the same, the Inspector General of Registration also issued a Circular dated 29.09.2023 to the Registrars and the Sub-Registrars of the Registration Department that enquiry under Section 77-A of the Act, shall not be entertained.

7. Further, as the petitioner can either approach the Civil Court or wait till the outcome of the decision of the Larger Bench of this Court, this Court is not inclined to entertain this Writ Petition by invoking Article 226 of the Constitution of India.



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8. Accordingly, this writ petition is disposed of, granting liberty to the petitioner to work out his remedy before the competent forum in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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