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W.P.No.36219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.01.2024**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.36219 of 2023

Thulasi

... Petitioner

Versus

1.The District Registrar, (Admin)
Nandanam, Chennai.

2.The District Registrar, (Admin)
Central Madras.

3.Kuppammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 21.10.2023 and consequently direct the second respondent to cancel the settlement deeds executed by Kuppammal vide doc. Nos.780/2018, and doc.No.781/2018, dated 09.04.2018 respectively, registered on the file of the Sub Registrar Office, Ashok Nagar.

For Petitioner : Mr. S. N. Subramani

For Respondents : Mr. R. Vigneshwaran,
Government Advocate. (for R1 & R2)



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ORDER

This Writ Petition has been filed seeking a direction to the second respondent to consider the petitioner's representation dated 21.10.2023 and to cancel the settlement deeds executed by the petitioner's mother, namely, Mrs.Kuppammal/third respondent herein, vide doc. Nos.780 & 781/2018, dated 09.04.2018, registered on the file of the Sub Registrar Office, Ashok Nagar.

2. The case of the petitioner is that on 01.01.1984, the Tamil Nadu Slum Clearance Board allotted the land in T.S.No.38, R.S.55/1A1 part, Kodambakkam Village, Mambalam Taluk, Plot No.15, Old Door No.219, ad-measuring 104 Sq.mtr, 125 Sq.ft. Subsequently, the Tamil Nadu Slum Clearance Board entered a sale deed in favour the petitioner's mother, Vide Doc.No.2676/2017, dated 13.09.2017 on condition that she should not alienate the property for a period of ten years from the date of Sale Deed. In turn, the third respondent executed two settlement deeds in favour of the grandsons of her second son, Vide Doc.No.780/2018 and



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Doc.No.781/2018 respectively on 09.04.2018, which is violation of the condition imposed by the Tamil Nadu Slum Clearance Board, in order to defeat the legal rights of the petitioner. Therefore, the petitioner made a representation dated 21.10.2023 before the Sub-Registrar, Ashok Nagar and the first respondent herein respectively, who, in turn, forwarded the said representation to the second respondent to initiate further action, conduct an enquiry and cancel the illegal registration.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first and second respondent and perused the materials available on record.

4. Since no adverse order is passed as against the third respondent, no notice was ordered and the same is hereby dispensed with.

5. With regard to the enquiry under Section 77A of the Registration Act, 1908, the issue is pending before the Larger Bench of this Court and in respect of same, the Inspector General of Registration issued a Circular No.03/2023, in Letter No.36330/U1/2023 dated



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29.09.2023, and the same was communicated to all the District Registrars in Tamil Nadu requesting them not to proceed further in connection with the enquiry to be conducted under Section 77A of the Registration Act until the final decision is rendered by the Larger Bench. Therefore, the District Registrar cannot conduct the enquiry at this stage.

6. Therefore, this Court is not in a position to direct the second respondent to consider the representation dated 21.10.2023, since pursuant to the divergent views taken by the learned Single Judges of this Court, the issue is pending before the learned Larger Bench.

7. Under Such circumstances, the petitioner is not entitled for the relief sought for in this Writ Petition. However, the petitioner is at liberty to work out his remedy before the Civil Court in the manner known to law or he can await for the disposal of the case pending with the Larger Bench with regard to the enquiry to be conducted under Section 77A of the Registration Act.



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8. With the above observation and direction, the Writ Petition is dismissed. No costs.

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Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

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To:

- 1.The District Registrar, (Admin)
Nandanam, Chennai.
- 2.The District Registrar, (Admin)
Central Madras.



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P. VELMURUGAN, J.

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