



WEB COPY

W.P. No.35124 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.35124 of 2023 and
W.M.P. Nos.35106 and 35108 of 2023

C.Balakrishnaiah

... Petitioner

Vs.

1. The District Registrar
Office of the District Registrar
M.V.Street, Veera Raghav Nagar
Tiruvallur - 602 001

2. The District Registrar
Office of the District Registrar
No.52, Orikkai Madura,
Udhayamangalam Village,
Near Anna Kudiyruppu,
Kanchipuram - 631 502

3. The Sub Registrar
Sub Registrar Office
Nagari Road, Pallipat - 631 207

4. C.Kumar

5. D.Krishnapillai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 1st respondent to cancel the settlement deed in document No.1054 dated 06.09.2017 and the sale deed in Document No.636 dated 24.05.2018 on the file of the 2nd respondent herein under Section 77(A) of the Registration Act, 1908 in pursuance of proceedings in Na.Ka.No.2616/A2/2018 dated 21.02.2019.



For Petitioner : Mr.G.Viswanathan

For R1 to R3 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ Mandamus directing the 1st respondent to cancel the settlement deed in Document No.1054 dated 06.09.2017 and the sale deed in Document No.636 dated 24.05.2018, on the file of the 2nd respondent herein under Section 77(A) of the Registration Act, 1908, in pursuance of proceedings in Na.Ka.No.2616/A2/2018 dated 21.02.2019.

2. The contention of the petitioner is that the petitioner had preferred a complaint for cancellation of forged documents executed by way of impersonation in Document No.1054 dated 06.09.2017 and the subsequent sale deed in Document No.636 dated 24.05.2018, pursuant to which, the 2nd respondent conducted enquiry and on finding that the said documents were executed unlawfully, directed the Sub Registrar, Pallipattu/3rd respondent herein to make necessary entries reflecting the illegitimate nature of the said documents, vide proceedings in Na.Ka.No.2616/A2/2018 dated 21.02.2019.



In the light of the said proceedings, the petitioner sent a representation dated 23.06.2023 to the 1st respondent to cancel the said settlement deed and sale deed under Section 77(A) of the Registration Act in pursuance of proceedings in Na.Ka.No.2616/A2/2018 dated 21.02.2019. But no action was taken on the petitioner's representation. Hence, the petitioner is constrained to file the present writ petition.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader takes notice for the respondents 1 to 3.

4. Since no adverse order is to be passed by this Court against the private respondents, notice to the respondents 4 and 5 is dispensed with.

5. Admittedly, the documents were registered prior to the amendment of Section 77(A) of the Registration Act. The date of impugned order is 21.02.2019 and during which, there was no amendment of Section 77(A) of the Registration Act. Even in the impugned order, it is clearly stated that, any appeal against the said impugned order shall be filed before the competent authority within a period of 60 days from the date of order. However, the



petitioner has not filed any appeal for the past 4 years and only on 23.06.2023, he has given a representation to the 1st respondent to cancel the said documents under Section 77(A) of the Registration Act. However, he has not given any reason for not approaching the competent authority within a reasonable time. Even otherwise, now the case related to the amendment of Section 77(A) of the Registration Act is pending with the Larger Bench of this Court since there are divergent views between the Hon'ble Judges of this Court as well as the Madurai Bench. Under these circumstances, the petitioner is not entitled for the relief sought for in this writ petition. If the petitioner is aggrieved by the documents, he is at liberty to work out his remedy in the manner known to law.

6. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

03.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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