



Order dated 06.02.2024 in
W.P.No.36298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.36298 of 2023

--

R.Ramesh

.. Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600 028.

2. The District Registrar (North),
Chennai-600 108.

3. The Sub-Registrar,
Ambattur Sub Registration Office,
Ambattur.

4. Mrs.Kanagavel Pandi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to cancel the forged documents Nos.13838/2016 and 2719/2017 executed before Ambattur Registered Office and remove the entries of forged documents from the Encumbrance Certificate by considering the petitioner's request made on

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24.07.2023 within a reasonable time to be fixed by this Court.

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For petitioner : Mr.T.N.Rangesh Kanna

For respondents: Mr.U.Baranidharan, Addl.G.P. for RR-1 to 3

Notice/Tapal returned unserved (vacated) for R-4

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to cancel the forged documents Nos.13838/2016 and 2719/2017 executed before Ambattur Registrar Office and remove the entries of forged documents from the Encumbrance Certificate by considering the petitioner's request made on 24.07.2023 within a reasonable time to be fixed by this Court.

2. Though notice sent to the fourth respondent, has not been served and returned unserved, and since no adverse order being passed against him, the service of notice on her is dispensed with.

3. Learned counsel for the petitioner submitted that even though the third respondent admitted that the document under dispute is a forged document, however, they have expressed their inability to conduct enquiry based on the order of stay granted by this Court.

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4. Learned Additional Government Pleader appearing for the respondents 1 to 3, while reiterating the averments made in the counter affidavit, submitted that the enquiry under Section 77-A of the Registration Act regarding cancellation of the forged document, has been stayed by this Court in W.P.(MD).No.14546 of 2022 and batch cases, dated 27.03.2023 and W.P.No.18814 of 2023, dated 27.08.2023 and consequently, the Inspector General of Registration has issued Circular in No.3/2023, letter No.36330/U1/2023, dated 29.09.2023 not to conduct any enquiry under Section 77-A of the Registration Act. Therefore, the official respondents are not in a position to conduct enquiry and frame the charges. Therefore, the representation of the petitioner, dated 24.07.2023 could not be pursued.

5. It is also stated that since there is a divergent view regarding the enquiry under Section 77-A of the Registration Act and also as to whether Section 77-A operates prospectively or retrospectively, the subject matter has been referred to a Larger Bench and it is pending. This Court at this stage, is also not inclined to give any direction to the third respondent to consider the said representation of the petitioner.

6. In view of the stay granted by this Court and that the reference is pending before the Larger Bench, the petitioner can either approach the Civil Court seeking necessary relief, or wait for the outcome of the decision of the



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Larger Bench of this Court.

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7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

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CS

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
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2. The District Registrar (North),
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3. The Sub-Registrar,
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