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W.P.No.709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.709 of 2024

U.Indumathi

... Petitioner

Versus

- 1.The Inspector General of Registration,
No.100, Santhome Road, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
No.50, Sankaranaidu Street,
Thirupathiripuliyur, Cuddalore District.
- 3.The District Registrar,
Office of the District Registrar,
Collectorate Compound, Villupuram District.
- 4.The Sub Registrar,
Office of the Sub Registrar, Vikkiravandi.
- 5.Kasturi
- 6.T.Raju

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 14.10.2023 and to cancel the Document No.Doc.No.3660/2023 dated 01st September 2023 on the file of 4th respondent which was executed by 5th respondent to 6th respondent.



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For Petitioner : Mr. P. Saravanan
For Respondents : Mr. R.U. Dinesh Rajkumar for R1 to R4
Additional Government Pleader

ORDER

Mr. R.U. Dinesh Rajkumar, learned Additional Government Pleader takes notice on behalf of the official respondents.

2. This writ petition has been filed seeking a mandamus simplicitor to direct the first respondent to consider the petitioner's representation dated 14.10.2023 and to cancel the Document No.Doc.No.3660/2023 dated 01st September 2023 on the file of the fourth respondent, which was executed by the fifth respondent to sixth respondent.

3. Since no adverse orders are passed against the private respondents, notice to them is hereby dispensed with.



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4. The claim of the petitioner is that she brought the property in question from her father in the year 1983 under registered sale deed Doc.No.952 of 1983 dated 09.03.1993 and from the date onwards, she was in possession. Being the owner of the said property, she executed a sale deed to the third party vide Doc.No.499 of 2023 dated 10.02.2023. At that point of time, she came to know that the Patta has to be changed, and therefore, she made a representation to the Village Administrative Officer on 15.02.2023. In the meantime, the fifth respondent fraudulently executed a sale deed in favour of the sixth respondent, vide Doc.No.3660 of 2023 dated 01.09.2023. Hence, the petitioner made a representation dated 14.10.2023 to the respondents in this regard. Now, the sixth respondent has filed a suit in O.S.No.552 of 2023, to declare the title of the suit schedule property in favour of him and the same is pending before the Sub-Court, Vilupuram, and hence, she made a request through RPAD on 03.11.2023 to the fourth respondent to cancel the document fraudulently executed by the fifth respondent. Since no action has been taken so far, the petitioner filed the present Writ Petition for the above said relief.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on records.

6. In respect of the divergent view, the issue has already been seized of by this Court and this Court has stayed conducting enquiry under Section 77-A of the Registration Act, 1908. Since 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 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 77-A of the Registration Act, until the final decision is rendered by the Larger Bench. Therefore, the Registrar cannot conduct the enquiry at this stage.

7. Hence, there is no impediment for the petitioner to approach the Civil Court for the said relief. Therefore, the petitioner either can approach the Civil Court, or he can wait for the outcome of the decision pending before the Larger Bench.



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8. With the above direction, the Writ Petition is disposed of. No

costs. However, the petitioner is at liberty to work out her remedy before the Civil Court in a manner known to law.

11.01.2024

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

klr

To:

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P. VELMURUGAN, J.

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