



W.P(MD)No.760 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.760 of 2022

Navaneethkrishnan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex, Rajakambiram,
Y.Othakkadai, Madurai.
- 3.The Superintendent of Police,
Virudhunagar District.
- 4.The District Registrar,
Virudhunagar Registration District,
Katchari Road,
Virudhunagar District.
- 5.The Revenue Divisional Officer,
Revenue Divisional Office,
Sathur, Virudhunagar District.
- 6.The Sub Registrar,
Keelarajakularaman Sub Register Office,
Keelarajakularaman – 626 136,
Vempakottai Taluk,
Virudhunagar District.



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7.The Thasildar,
Vempakottai Taluk,
Virudhunagar District.

8.The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman 626 136,
Virudhunagar District.

9.Chandrasekaran

10.Subhasini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the District Registrar of Virudhunagar the 4th respondent herein to dispose the proceedings in Na.Ka.No.1872/Aa4/2020 dated 30.07.2021 as per the Circular issued by the Inspector General of Registration Department Chennai in letter No.20217/U1/2021 dated 09.07.2021 and furthermore direct the respondents 4 and 6 to launch the criminal prosecution as per section 83 of the Registration Act, 1908, within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.R.Ragavendran,
Govt. Advocate for R1, R2 & R4 to R7.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3 & R8.



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ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the official respondents and the learned Government Advocate (Crl. Side) for the respondents 3 and 8.

2.Paragraph No.3 of the counter affidavit reads as follows:-

“3.It is submitted that the property comprised in Survey No. 1061/1B having an extent of 0.11.5 Hectare at Keelarajakularaman Village. Rajapalayam Taluk, Virudhunagar District. The case of the Petitioner is that, the said property belongs to one Pol Naicker and Venkatasamy Naicker and after their death, the property was inherited by their legal heirs namely Rengarajan. Sajivraj. Krishnasamy. Narayanasamy and the Petitioner herein All of them gave a power of attorney in favour of one A Saraswathi in Document No.90 of 1995 dated 14.12.1995. As a General Power of Attorney, the said Saraswathi executed a sale deed to one Murugan vide Document No.234 of 1997 dated 28.02.1997 and subsequently the said Murugan sold the property to the Petitioner herein vide Document No.924 of 2013 on 11.03.2013. While being so, the 9th and 10th Respondents had made an encumbrance in the said property by creating a forged partition deed and the forged revenue records. Hence, the Petitioner made a representation before the 4th Respondent and



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the 6th Respondent to cancel the document which was registered by the 9th and 10th Respondents vide Document Nos. 496 of 2016, 1007 of 2021, 1049 of 2021.”

3.The fourth respondent would claim that the petitioner has not cooperated with enquiry. He has not produced any document in his case.

4.Be that as it may, what the petitioner actually wants is cancellation of a document already registered. The issue raised in this writ petition involves interpretation of Section 77-A of the Registration Act, 1908. The petitioner has to necessarily await decision of the Hon'ble Division Bench. The fourth respondent will keep the petitioner's complaint pending and take a call after the issue is authoritatively settled by the Hon'ble Division Bench.

5.This writ petition is disposed of accordingly. No costs.

01.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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