



W.P.No.23845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23845 of 2023

1.K.Karuppusamy
2.S.V.Sadasivam

...Petitioners

Vs.

1.The Inspector General of Registration,
Office of the Inspector of Registration,
Chennai – 600 028.

2.The District Registrar (Administration),
Salem West (Assistant Registration Officer),
Salem.

3.The Sub Registrar,
Jalakandapuram, Salem District.

4.Vasantha
5.V.Appusamy

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to pass orders on the petitioners' review application dated 10.07.2023 within a stipulated period.



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For Petitioners : Mr.S.Parthasarathy

For Respondents : Mr.E.Sundaram
Government Advocate

ORDER

The relief sought for in present writ petition is to direct the second respondent to pass orders on the review application filed by the writ petitioners on 10.07.2023.

2. The petitioners state that they purchased the subject property morefully described in the present writ petition. The vendor to the petitioners inherited the subject property through a settlement deed. The said settlement deed was challenged by the fourth respondent before the District Registrar under section 77A of the Registration Act. After adjudication, the District Registrar cancelled the document in proceedings dated 03.05.2023. The petitioners preferred a review application which was not considered and thus, the petitioners are constrained to move the present writ petition.

3. The learned counsel for the petitioners mainly contended that the petitioners were not impleaded as parties in section 77A proceedings and therefore, they have filed a review petition before the District Registrar. The petitioners are the bonafide purchasers of the subject property and therefore,



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the settlement deed ought not to have cancelled without hearing the petitioners.

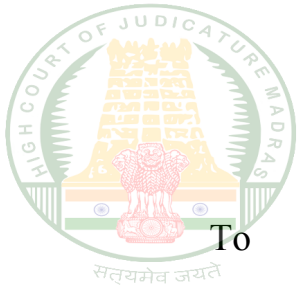
4. However, there is no provision to review the order passed by the District Registrar under Section 77A of the Act. But the petitioners are entitled to file an appeal under section 77B of the Act, since they are the aggrieved persons from and out of the orders passed by the District Registrar. In the event of filing any third party appeal, the appellate authority shall entertain the appeal and conduct an enquiry and pass appropriate orders on merits and in accordance with law as expeditiously as possible by following the procedures issued by the Inspector General of Registration in Circular No. 01/2023 dated 10.06.2023.

5. With these observations, the writ petition stands disposed of. No costs.

14.08.2023

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Index: Yes
Speaking Order



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S.M.SUBRAMANIAM, J.

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