

W.P.No.37036 of 2024

and

W.M.P.Nos.40007 and 40013 of 2024

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P.T.ASHA, J.,

Heard Mr.T.R.Rajagoplan, learned senior counsel for Mr.C.V.Vijayakumar, learned counsel for the petitioners, Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.P.Harish, learned Government Advocate appearing for respondents 1 and 2 and Mr.Richardson Wilson, learned counsel appearing for the 4th respondent.

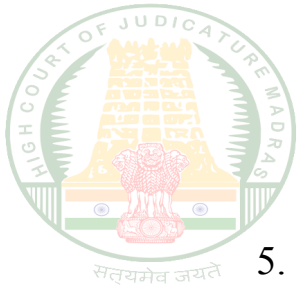
2. The learned counsel for the 4th respondent would submit that the relief as claimed cannot be granted in the light of the judgment of the Division Bench of this Court in *M.Kathirvel and Others Vs. Inspector General of Registration (2024 (4) CTC 769)*.

3. A perusal of the files which has been produced by the learned Additional Advocate General today would show that the Sub Registrar was put on notice about the fact that the property belonged to one “The Township Recreation Club” registered as Serial No.31 of 1960, which



had purchased the property from the Katpadi Cooperative Township Ltd. The next document is a Certificate of Registration, which has been issued to the 3rd respondent and it clearly indicates that this is a newly formed Club, registered only in the year 2015. The next document is the Lease Deed in which it is stated that the lessor namely, the 3rd respondent was formerly known as Township Recreation Club. This statement *prima facie* appears wrong since the Township Recreation Club is still active and has not been declared defunct. This fact is also admitted by the learned Additional Advocate General.

4. Therefore, this Court finds some substance in the statements made in the affidavit filed in support of this petition. No doubt, the relief claimed is under Section 77 A of the Registration Act, however, since there are allegations of fraud made against the respondents 1 and 2 and there is *prima facie* substance to prove the same, this Court is admitting this Writ Petition. Issue Rule Nisi. Call for the records by 28.01.2025.



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5. It is submitted by both, the learned senior counsel appearing for the writ petitioner as well as the learned Additional Advocate General that the property continues to be vacant. Status-quo as on date shall be maintained. Post on 28.01.2025. Counter by then.

16.12.2024

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