



W.P.No.24449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24449 of 2023

K.Arunachalam

...Petitioner

-Vs-

1.The District Registrar,
Thiruvannamalai District,
Thiruvannamalai.

2.The Sub Registrar,
Thiruvannamalai District,
Thiruvannamalai.

3.Karunanidhi

4.Pugalenth

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry to cancel the fraudulent sale deeds registered in document No.11543/2010 dated 24.10.2010 and document No.11545/2010.



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For Petitioner : Mr.D.Ananth
For R1 & R2 : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the second respondent to conduct an enquiry to cancel the fraudulent sale deeds registered in document No.11543/2010 dated 24.10.2010 and document No.11545/2010.

2. The petitioner has not even submitted an appropriate application under the provisions of the Registration Act (hereinafter referred to as 'the Act'). More so, the documents sought to be cancelled were of the year 2010 and the scope of Section 77A of the Act cannot be applied retrospectively so as to cancel the documents of the year 2010.

3. The amendment and insertion of Section 77A was made prospectively and there is no express provision to apply Section 77A with retrospective effect. Therefore, in respect of the documents registered long



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back, the parties are to be relegated to the Civil Court of law for the purpose of adjudication of issues. In the event of entertaining an application with retrospective effect, the same will result in an anomalous situation, wherein the documents registered 50-60 years back will also be brought under the jurisdiction of the District Registrar for its cancellation. Therefore, the amendment effect from 16.08.2022 under Section 77A cannot be given retrospective effect so as to cancel the documents registered long back. More so, the documents registered in the year 2010 are sought to be cancelled after a lapse of 13 years. The petitioner has merely sent a legal notice and such notice cannot be the basis for the purpose of conducting an enquiry by the District Registrar. Thus, the petitioner is at liberty to approach the Civil Court of law in the manner known to law.

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

21.08.2023

Index:Yes
Neutral Citation:Yes
Speaking order
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S.M.SUBRAMANIAM, J.

hvk

To

- 1.The District Registrar,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Sub Registrar,
Thiruvannamalai District,
Thiruvannamalai.

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