



WEB COPY

W.P. No.35324 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.35324 of 2023 and
W.M.P. Nos.35294 and 35296 of 2023

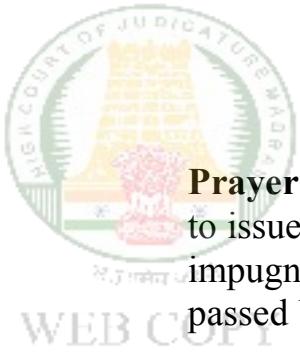
1. Mrs.C.B. Sarveswari
2. Mrs.R.Seethalakshmi
3. M/s.Krishna Trading Corporation
Represented by its sole proprietor Mr.S.Ramesh
No.144, Rasappa Chetty Street,
Park Town, Chennai - 3

... Petitioners

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road,
Raja Annamalaipuram
Chennai - 600 028
2. The District Registrar
Chennai Central
No.182, Bharati Salai, Royapettah
Chennai - 600 014
3. M/s.Murugesan Impex Pvt. Ltd
Represented by its Director Mr.S.Janarthan
Old No.394, New No.791,
T.H. Road, Thiruvottiyur, Chennai -19
4. Mr.Sathyanarayanan
5. Mrs.K.Vijayalakshmi

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to all for the entire records in connection with the impugned order made in Na.Ka.No.13204/AA2/2022, dated 19.09.2023 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.P.G.Thiyagu

For R1 and R2 : Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.Yogesh Kannadasn
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a writ of Certiorari to call for the entire records in connection with the impugned order made in Na.Ka.No.13204/AA2/2022, dated 19.09.2023 passed by the 2nd respondent and quash the same.

2. Challenging the order passed under Section 77(A) of the Registration Act (for brevity “the Act”), the petitioners have filed the present writ petition before this Court.

3. The learned counsel for the petitioners submitted that this Court while passing the order in the connected matters in W.P. (MD) No.14546 of



2022 etc. Batch dated 27.03.2023 gave a direction to the Registry to place the matter before the Hon'ble Administrative Judge of the Madurai Bench for constitution of a larger Bench to decide the issues involved in the matter.

Since the same is pending, the respondents have no authority to proceed with the matter under Section 77(A) of the Act. He further submitted that the impugned order passed by the 2nd respondent is without any authority and therefore, the same is liable to be set aside, since the matter is pending with the larger Bench.

4. Mr.R.Ramanlaal, learned Additional Advocate General assisted by Mr.Yogesh Kannadasn, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that there is no such specific direction given by the larger Bench.

5. Since there is no stay in the enquiry to be conducted under Section 77(A) of the Act, Section 77(A) is still in Statute. If the petitioner is aggrieved by the order passed under Section 77(A) of the Act, there is an appeal remedy before the 1st respondent and the petitioner shall approach the 1st respondent under Section 77(B) of the Act.



6. Though there is a conflict in the views expressed by the Court, based on that conflict views now the 1st respondent has also issued a circular and therefore, the petitioner is at liberty to approach the 1st respondent under Section 77(B) of the Act and work out his remedy in the manner known to law.

7. With the above observations, this writ petition is disposed of. Consequently, connected Miscellaneous Petition in W.M.P. No.35296 of 2023 is closed. WMP No.35294 of 2023 of 2023 is ordered on payment of separate Court fee. There shall be no order as to the costs.

22.12.2023

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Inspector General of Registration
No.100, Santhome High Road,
Raja Annamalaipuram
Chennai - 600 028

2. The District Registrar
Chennai Central
No.182, Bharati Salai, Royapettah
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P.VELMURUGAN. J.

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