



W.P(MD)No.345 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.345 of 2023

D.Appadurai

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
29, Masilamanipuram 3rd Street,
Central Bus Stand,
Tuticorin District.

2.The Sub Registrar,
Udangudi Sub Registrar Office,
Tuticorin District.

3.R.Gunaseeli

4.Suyambukani Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 01.11.2022 to conduct enquiry into the fraudulent registration of settlement deeds vide Doc Nos.762/2003, 1326/2007 and 999/2012 registered on the file of 2nd respondent's office in



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favour of 3rd and 4th respondents in accordance with law within the time frame fixed by this Court.

For Petitioner : Mr.K.K.Udaya Kumar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.T.A.Ebenezer for R3 & R4.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4.

2.The petitioner seeks cancellation of the petition mentioned documents. They were registered way back in the years 2003, 2007 and 2012. During the relevant time, there was no legal provision corresponding to Section 77A of the Registration Act in force. The Inspector General of Registration issued the relied-upon circulars only subsequently. I have held vide order dated 02.01.2023 in W.P.(MD)No.6947 of 2019 (E.Geetha Helan Alexandria and Others Vs. The Joint Sub Registrar No.II, Dindigul and Others) that Section 77A of the Registration Act will not apply retrospectively. The petitioner has to establish his rights only before the jurisdictional Civil Court.



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3. Granting such liberty to the writ petitioner, the writ petition is disposed of. No costs.

15.02.2023

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

1. The District Registrar,
District Registrar Office,
29, Masilamanipuram 3rd Street,
Central Bus Stand,
Tuticorin District.

2. The Sub Registrar,
Udangudi Sub Registrar Office,
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G.R.SWAMINATHAN, J.

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