



W.P(MD)No.3361 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3361 of 2023

Swaminathan

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
The District Registrar Office,
Karaikudi,
Sivagangai District.

3.The District Collector,
The District Collector Office,
Sivagangai District.

4.Palani Kumar

5.Pandian

6.Akilan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the second respondent



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to consider the petition filed under Section 77A of Registration Act, 1908 to cancel the sale deed executed by the fourth respondent in favour of the fifth respondent registered with the Sub-Registrar, Thirupathur vide sale deed dated 07.03.2011 under Document No.767/2011.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 to R3.

2. The petitioner impeaches the registration of the petition mentioned document dated 07.03.2011. The petitioner wants this Court to direct the second respondent to invoke Section 77 A of the Registration Act, 1908 to cancel the same. This issue had already been decided by me vide order dated in W.P.(MD)No.6947 of 2019, dated 02.01.2023 (E.Geetha Helan Alexandria Vs. Joint Sub Registrar No.II, Dindigul).

3. Since the circulars issued by the IG of Registration in the year 2018 as well as Section 77A of the Act cannot apply retrospectively, the relief sought for by the petitioner cannot be granted. The petitioner has to necessarily establish his right elsewhere. I make it clear that I have not gone into the merits



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of the matter. The dismissal of this writ petition will not cast any arbitration on the petitioner's right.

4. With this observation, the writ petition is dismissed. No costs.

21.02.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
The District Registrar Office,
Karaikudi,
Sivagangai District.

3.The District Collector,
The District Collector Office,
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G.R.SWAMINATHAN, J.

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