



W.A.(MD)No.781 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.781 of 2021

A.Vijayakumar

Vs.

... Appellant

- 1.The Inspector General of Registration,
Santhome High Road, Chennai-600 028.
- 2.The District Registrar,
Palayamkottai, Tirunelveli-627 002.
- 3.The Joint Sub Registrar No.II,
Municipal Nalangadi Building,
S.N.High Road, Tirunelveli-627 001.
- 4.M/s.V.V.Minerals,
Rep. by its Partner S.Jagadeesan,
Keeraikaranthattu, Mahadevankulam,
Thisayanvilai-627 657, Radhapuram Taluk,
Tirunelveli District.
- J.Rajendran (died
- 5.R.Rajathi
- 6.C.Devasena
- 7.R.Jeyakumar

1/4



W.A.(MD)No.781 of 2021

8.R.Rathina Kumar

9.R.Karthik Kumar

... Respondents

(Cause title accepted vide Court order dated 25.03.2021 made in C.M.P.(MD)No. 2985 of 2021 in W.A.(MD)SR.No.15407 of 2021)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.23376 of 2016, dated 01.06.2020 on the file of this Court.

For Appellant : Mrs.P.Jessi Jeeva Priya

For R1 to R3 : Mr.M.Lingadurai,
Special Government Pleader

For R4 : Mr.G.Prabhu Rajadurai

For R5 to R9 : Mr.S.Karthick,

For Mr.M.V.Prakash

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been directed against the order dated 01.06.2020 passed in W.P.(MD)No.23376 of 2016.

2.The writ petitioner is the appellant before us. The prayer as such sought for in the Writ proceedings is to direct the official respondents to cancel the registration of sale deed dated 08.10.2014 in Document No.3472 of 2014. During the relevant point of time, when the document impugned was registered on



W.A.(MD)No.781 of 2021

08.10.2014, there was no provision available under the Registration Act, 1908 (hereinafter referred to as 'the Act') to cancel the registered document. More so, the Registering Authority or the District Registrar was not empowered to cancel the registered sale deed by invoking the powers under the Act. However, amendment and insertion of Section 77A was brought under the Act only with effect from 16.08.2022.

3.That being the factum, we do not find any infirmity in respect of the reasons assigned by the learned Single Judge for dismissing the Writ Petition. Thus, the order impugned herein stands confirmed. Accordingly, this Writ Appeal stands dismissed.

4.It is brought to the notice of this Court that civil Suits have already been instituted between the parties in O.S.Nos.217 & 219 of 2015 on the file of the learned IV Additional District Judge, Madurai. Thus, the parties are at liberty to workout their remedy in the aforesaid pending civil Suits.

(S.M.S., J.) & (V.L.N., J.)

28.11.2023

NCC : Yes / No

Index : Yes / No

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W.A.(MD)No.781 of 2021

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AND

V.LAKSHMINARAYANAN, J.

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To

- 1.The Inspector General of Registration,
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W.A.(MD)No.781 of 2021

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