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W.P.(MD)NO.6546 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6546 of 2022 AND

W.M.P.(MD)No.5076 of 2022

1. Adhi Sivan

2. Panneerselvam

... Petitioners

Vs.

1. The District Registrar,
Madurai(South),
Madurai District.

2. The Sub Registrar,
Chekkanoorani Taluk,
Madurai District.

3. Kannan

4. Sekar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent dated 18.03.2022 in proceedings Na.Ka.No.975/B2/2022 quash the same as the same is arbitrary, ultra vires and contrary to the provisions of Indian Registration Act 1908.



For Petitioner : Mr.R.G.Shankar Ganesh
For R-1 & R-2 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-3 & R-4 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the official respondents.

2. Though respondents 3 and 4 have been served and they have entered appearance through counsel, today there is no representation on their behalf. Even on the last occasion, there is no representation.

3. The second petitioner Panneerselvam had executed settlement deed dated 11.10.2021 in favour of his son / first petitioner herein. In favour of the second petitioner, the settlement deed was executed by his father on 24.12.2007. Both are registered documents. Seeking their cancellation, the private respondents herein filed a complaint before the first respondent. The first respondent has issued an enquiry notice dated 18.03.2022.



4. It is obvious that the impugned enquiry notice is grounded on Section 77A of the Registration Act. Vide order dated 02.01.2023 in W.P.(MD)No.6947 of 2019, I had held that Section 77A of the Registration Act will not have retrospective effect. Section 77A of the Act will apply only in respect of the documents registered after 16.08.2022. In the case on hand, the documents were registered in the years 2007 and 2021.

5. The issue regarding the scope and applicability of the said provision has been referred to the Hon'ble Larger Bench for authoritative pronouncement. The impugned enquiry notice is therefore put on hold. The first respondent can take further action on merits and in accordance with law based on the decision to be rendered by the Hon'ble Larger Bench. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

G.R.SWAMINATHAN,J.

PMU

To:



1. The District Registrar,
Madurai(South),
Madurai District.
2. The Sub Registrar,
Chekkanoorani Taluk,
Madurai District.

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