



W.A.(MD) No.479 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.479 of 2023
and
C.M.P(MD) No.4934 of 2023**

- 1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome, Chennai District.
- 2.The District Registrar (Administration),
O/o. District Registrar,
Madurai (South), Integrated Registration Office,
Rajakambeeram, Madurai District.
- 3.The Sub-Registrar,
Joint IV Sub-Registrar Office,
Palaganatham, Madurai District.

... Appellants/
Respondents 1-3

-VS-

1.Umamaheshwari

... 1st Respondent/
Writ Petitioner



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WEB COPY 2.Tharmar

3.Solomon

4.Mahendran

5.Eswaramoorthy

6.Palanichamy

7.Malliga

... Respondents 2 - 7/
Respondents 4 - 9

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 07.02.2023, passed in W.P.(MD) No.2412 of 2023, on the file of this Court.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.M.Prakash
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Though the Writ Court has dismissed the writ petition on the ground that Section 77-A of the Registration Act, 1908 (for brevity “the Act”), is prospective and the said question has also been referred to a Larger Bench, we do not think that this writ appeal could be entertained in view of our judgment in W.A. (MD) No.419 of 2023 wherein, we have held that unless there is an



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allegation of forgery or impersonation, the District Registrar will not have jurisdiction to entertain the complaint for cancellation of document under Section 22-B of the Act.

2. In view of the said judgment, the writ appeal is dismissed on the ground that the complaint that has been made before the District Registrar does not make out a cause to enable the District Registrar to cancel the document invoking his powers under Section 77-A of the Act. The question relating to prospectivity or otherwise of Section 77-A of the Act is left open. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

20.04.2023

NCC : No
Index : No
Internet : Yes
PKN



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