



W.P.(MD)No.9425 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9425 of 2020

and

W.M.P.(MD)No.8553 of 2020

R.Rajendran

... Petitioner

-VS-

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Registration Department,
Virudhunagar District.

3.The Sub-Registrar,
Sub-Registrar Office, Thiruchuzhi,
Virudhunagar District.

4.Malaichamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No. 3477/Aa4/2019, dated 24.12.2019, quash the same on the ground that the



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same is arbitrary, illegal and without jurisdiction and consequently, directing the respondents 1 to 3 to cancel the sale deed executed in favour of the fourth respondent, vide Document No.1897/2015 pertaining to the property to an extent of 2 Acre 27 Cents comprised Survey No.105/1B2 of Kalaiyar Karisalkulam, Aruppukkottai Taluk, Virudhunagar District.

For Petitioner : Mr.R.Aravindan
For R1 to R3 : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition was filed challenging the impugned proceedings of the second respondent, dated 24.12.2019 and for a consequential direction to cancel the sale deed that was executed in favour of the fourth respondent.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

3. The second respondent has refused to cancel the sale deed mainly on the ground that the Inspector General of Registration has already withdrawn the power given to the District Registrar for cancellation of sale deed, through proceedings, dated 20.10.2017.

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4. There was also a subsequent development, whereby Section 77-A of the Registration Act, 1908, provided for the cancellation of the document by the District Registrar under certain circumstances. This power that was vested on the District Registrar was also kept in abeyance by virtue of Circular No.3/2023, dated 29.09.2023. Hence, even if the matter is remanded back to the District Registrar by taking note of Section 77-A of the Registration Act, for the present, the District Registrar will not be able to pass any orders.

5. In view of the above, this Writ Petition is disposed of by giving liberty to the petitioner to revive the claim before the District Registrar as and when, the power of the District Registrar under Section 77-A is revived, after the final decision is taken by the Division Bench of this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

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Index : Yes/No

To

1.The Inspector General of Registration,
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2.The District Registrar,
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3.The Sub-Registrar,
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N.ANAND VENKATESH, J.

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