



W.A.(MD)No.517 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)No.517 of 2022**

**and**

**C.M.P.(MD)No.4625 of 2022**

Rajangam

... Appellant / Petitioner

**-Vs-**

1.The District Registrar (Administration),  
Periyakulam, Theni District.

2.The Sub Registrar,  
Sindhupatti, Madurai District.

3.Raja

4.Panchammal

... Respondents / Respondents

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.04.2022 made in W.P.(MD)No.8191 of 2022 on the file of this Court.

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For Appellant : Mr.J.Bharathan  
For R1 & R2 : Mr.S.Shanmugavel,  
Additional Government Pleader  
For R3 : Mr.K.Muthumalai  
For R4 : No Appearance

### **JUDGMENT**

**[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]**

This Writ Appeal is directed against the order dated 26.04.2022 made in W.P.(MD)No.8191 of 2022 on the file of this Court.

2.The case of the writ petitioner is that based on the complaint given by the 3<sup>rd</sup> respondent, the 1<sup>st</sup> respondent vide proceedings dated 14.03.2022, directed the Sub-Registrar to make a note in Document Nos.472/2017 and 39/2018 that the same were registered by using wrong patta. Challenging the said order dated 14.03.2022, the writ petitioner has filed the aforesaid Writ Petition on the ground that the 1<sup>st</sup> respondent has no jurisdiction to entertain the complaint given by the 3<sup>rd</sup> respondent. The Writ Court, without considering the

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said contention, disposed of the aforesaid Writ Petition, granting liberty to the writ petitioner to challenge the order of the 1<sup>st</sup> respondent dated 14.03.2022 before the competent statutory appellate authority. The same is under challenge in this Writ Appeal.

3.The learned counsel appearing for the appellant submitted that no appeal remedy is available under the Tamil Nadu Registration Act, 1908.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the Government has issued a notification dated 16.08.2022 by inserting Sections 77-A. Cancellation of registered documents in certain cases and 77-B. Appeal. The same are extracted hereunder:-

*“77-A. Cancellation of registered documents in certain cases.*

*— (1) The Registrar, either suo motto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executant and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the*



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*Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes.*

*(2) The power under sub-section (1) may also be exercised by the Inspector General of Registration.*

*77-B. Appeal.- (1) Any person aggrieved by an order of the Registrar under sub-section (1) of section 77-A may prefer an appeal to the Inspector General of Registration within thirty days from the date of cancellation of the document and the Inspector General of Registration shall pass an order confirming, modifying or cancelling the order of the Registrar.*

*(2) In the case of an order passed by the Inspector General of Registration under sub-section (2) of section 77-A, an appeal shall lie to the State Government within thirty days from the date of the order.”*

5.In the light of the aforesaid amended provisions, with consent of both parties, we are inclined to pass the following order:-

*“(i)The order of the 1<sup>st</sup> respondent dated 14.03.2022 impugned in the Writ Petition is quashed and the order impugned herein dated 26.04.2022 is also quashed;*



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*(ii)The respondents 3 and 4 are permitted to make a fresh complaint before the 1<sup>st</sup> respondent within a period of two weeks from the date of receipt of a copy of this order;*

*(iii)If any such complaint is made within the time stipulated above, the 1<sup>st</sup> respondent is directed to consider the same and pass appropriate orders on its own merits and in accordance with Section 77-A of the Tamil Nadu Registration Act, 1908, after providing sufficient opportunity of hearing to the appellant.*

*(iv)We make it clear that any observation made in this Writ Appeal will not stand in the way of considering the complaint of the respondents 3 and 4 by the 1st respondent”.*

6.With the above direction, this Writ Appeal stands allowed. No costs.  
Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.] & [R.V., J.]**  
**10.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
MYR

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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*MYR*

To

1.The District Registrar (Administration),  
Periyakulam, Theni District.

2.The Sub Registrar,  
Sindhupatti, Madurai District.

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