



W.P.(MD)No.18909 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18909 of 2023

Kalaivani

... Petitioner

versus

1. The District Registrar,
Marthandam,
Kanyakumari District.

2. Rajeswari

3. Bhuvaneswari

4. Maheshwari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.240/J/2023 dated 03.07.2023 and quash the same as illegal and unconstitutional.



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For Petitioner : Mr.P.Deepak
For R1 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This writ petition has been filed as against the order of the first respondent/the District Registrar, Kanyakumari District, passed in Na.Ka.No.240/J/2023 dated 03.07.2023.

2. The learned counsel appearing for the petitioner submits that when the issue regarding the applicability of Section 77A of the Act to the documents that were registered prior to its enactment is pending before a Larger Bench of this Court, the Registrar ought not to have passed any order regarding cancellation of document. But, in this case, the first respondent/the District Registrar, Kanyakumari District, passed the impugned order dated 03.07.2023, cancelling the Will dated 15.06.2016 and sale deed dated 05.05.2022 by invoking Section 77A of the Registration Act.



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3. Since the petitioner is having an appeal remedy before the Inspector General of Registration, this writ petition is disposed of by granting liberty to the petitioner to workout her appeal remedy before the Inspector General of Registration in the manner known to law. No costs.

04.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Registrar,
Marthandam,
Kanyakumari District.



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