



W.P(MD)No.25740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.25740 of 2022

and

W.M.P.(MD)No.19846 of 2022

Thangavel

**Vs.**

... Petitioner

1.The Inspector General of Registration,  
No.100, Santhom Road,  
Mylapore,  
Chennai-600 004.

2.The District Registrar (Admin)  
O/o The District Registrar,  
Tenkasi District,  
Tenkasi.

3.The Sub Registrar,  
Uthumalai,  
V.K.Pudur Taluk,  
Tenkasi District.

4.Thavasumariammal

5.Shanmuganathan

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to cancel sale deed vide Doc.No.2623/2022 registered at the office of 3rd respondent relating to property situated in survey no.103/1, 103/2, 103/3 of Uthumalai Village, V.K. Pudur, Tenkasi District in accordance with law.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.V.Nirmal Kumar  
Government Advocate for R1 to R3

: no appearance for R4 & R5

### **ORDER**

Heard both sides.

2. The prayer is for cancelling the petition mentioned sale deed.

3. The execution and registration of the petition mentioned sale deed took place before the introduction of Section 77A of the Registration Act. Therefore, the second respondent is not having the power to cancel the sale deed because I have already held that the said provision cannot operate retrospectively. The petitioner has to establish his rights only before the jurisdictional civil Court.



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4. Granting such liberty to the petitioner, the Writ Petition is dismissed.

It is stated that civil suit is pending between the parties. The petitioner will have to pursue his remedy only in the pending civil suit. No costs. Consequently, connected miscellaneous petition is closed.

**04.10.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

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**G.R.SWAMINATHAN, J.**

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