



W.P(MD)No.24066 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24066 of 2023

1.Rajaprabu

2.Rajesh

... Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
2nd Floor, Government Multi-stored Building,
Khajamalai Colony,
Race Course Road,
Trichy – 620 023.

3.The District Registrar (Administration),
Integrated Complex of Registration Department,
Combined Court Campus,
Cantonment,
Trichy – 620 001.



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4.The Sub Registrar,
Office of the Sub Registrar,
Kavalkara Street,
Mannachanallur – 621 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to conduct enquiry under 77-A of the Registration Act, 1908 upon considering the representation of the petitioners dated 30.01.2023 and pass orders on merits within particular time as stipulated by this Court.

For Petitioners : Mr.C.Karthikeyan

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the respondents.

2. The petitioners have has given representation dated 30.01.2023 seeking enquiry under Section 77A of the Registration Act, 1908. The case of the writ petitioners is that even though they are having title over



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the property, some third parties have dealt with the petition mentioned properties by illegally executing documents.

3. The petitioners case might as well be well founded. But I am not inclined to grant relief for two reasons:

a) The necessary parties have not been impleaded as respondents;

b) Even if they have been impleaded, I would still not grant relief because I have already held that Section 77A of the Act will operate only prospectively and not retrospectively. The Section was introduced in the statute book in the year 2022. The petitioners seek relief in respect of documents that were executed earlier in point of time. The petitioners will have to necessarily move the jurisdictional civil Court for relief.

4. The learned counsel appearing for the petitioners states that the petitioners are willing to move the jurisdictional civil Court for relief. If such suit is filed within a period of eight weeks from the date of receipt of a copy of this order, the same shall be numbered immediately and



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disposed of on merits and in accordance with law within a period of twelve months thereafter.

5. With this liberty to the writ petitioners to move the jurisdictional civil Court, this writ petition stands dismissed. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

04.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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