



W.P.(MD).No.28534 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.28534 of 2022

S.Seenivasan

... Petitioner

Vs.

1.The District Registrar (Admn),
Office of the District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Aruppukottai,
Virudhunagar District.

3.S.Solaiammal

4.M.P.Shanmugam

5.M.P.S.Senthil Kumar

6.M.Ganesh Kumar

7.A.Anish

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to cancel the Settlement Deed dated 17.07.2017 registered as Document



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No.2028/2017, Sale Deeds dated 29.07.2017 and 28.10.2020 registered as Document Nos.2181/2017 and 5207/2020 respectively on the file of the 2nd respondent, which were registered in contravention of Section 22-B of the Registration Act 1908 on the basis of the petitioner Application dated 08.12.2022 preferred under Section 77 (A) of the Registration Act, 1908 within the stipulated period may given by this Court.

For Petitioner	: Mr.B.Muneeswaran
For R-1 and R-2	: Mr.N.Satheeskumar, Additional Government Pleader.
For R-3, R-4, R-6 and R-7	: No appearance
For R-5	: Tapal returned

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. There is no appearance on the side of the private respondents.

2. The petitioner is aggrieved by the registration of the petition mentioned documents. It is seen that they were registered in the year 2017. During the relevant year, neither the Circulars now referred to by the petitioner nor the amended Section 77-A of the Registration Act, 1908 were in force. The



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petitioner cannot take advantage of the subsequently issued Circulars or inserted legal provisions. For the reasons set out in the order dated 02.01.2023 in W.P.(MD)No.6947 of 2019 (E.Geetha Helan Alexandria and Others Vs. The Joint Sub Registrar No.II, Dindigul and Others), the petitioner's request cannot be considered. Neither the Circular nor Section 77-A of the Act can operate retrospectively. The petitioner has to necessarily move the jurisdictional civil Court for establishing his rights. Granting such liberty to the petitioner, this Writ Petition is disposed of. There shall be no order as to costs.

27.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The District Registrar (Admn),
Office of the District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Aruppukottai,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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