



W.P(MD)No.28369 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28369 of 2023

Vijaya

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome Highways,
Pattinapakkam, Chennai – 28.

2.The District Registrar,
Periyakulam,
Theni District.

3.The Sub Registrar,
Aundipatti Registrar Office,
Theni District.

4.Jakkaiyan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to conclude the appeal dated 20.05.2023 within the stipulated time period in accordance with law.



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For Petitioner : Mr.C.Senthil Murugan
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents.

2.The petitioner filed a petition before the second respondent under Section 77-A of the Registration Act, 1908 impeaching the petition mentioned document. The petitioner's application was negatived. Questioning the same, the petitioner has filed an appeal before the first respondent. The petitioner wants the said appeal to be expeditiously disposed of.

3.This writ prayer cannot be granted. This is because all enquiries under Section 77-A of the Registration Act, 1908 have been ordered to be put on hold. In fact, the Inspector General of Registration himself has



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issued a circular to that effect. An appeal is the continuation of the original proceedings. If the original proceedings under Section 77-A of the Act have to be put on hold, then obviously the appeal also has to be put on hold. Hence the prayer for directing the first respondent to conclude the proceeding is rejected. However, the first respondent will keep the appeal proceedings pending and take a call after the Larger Bench decides the issue on the scope and applicability of Section 77-A of the Registration Act, 1908.

4.This writ petition is disposed of accordingly. There shall be no order as to costs.

01.12.2023

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

To

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome Highways,
Pattinapakkam, Chennai – 28.

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G.R.SWAMINATHAN, J.

MGA

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Theni District.
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