



W.P.No.335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.335 of 2024

M.Perumal

... Petitioner

versus

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Registrar (Administration),
Registration Department,
Collectorate Buildings,
Namakkal.

3.Perumal

4.Logambal

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to complete the enquiry proceedings initiated by the second respondent in proceedings in Na.Ka.No.5378/A5/2023, dated 04.07.2023 issued under Section 77-A of the Registration Act and cancel the Sale Deed in Doc.No.1872/2009, SRO Erumapatti, dated 19.11.2009 in accordance with law.

Pg.Nos.1/5



W.P.No.335 of 2024

For Petitioner : Mr.V.Elangovan
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 and R2

ORDER

Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against respondents 3 and 4, affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the second respondent to complete the enquiry proceedings in Na.Ka.No.5378/A5/2023, dated 04.07.2023, issued under Section 77-A of the Registration Act [hereinafter referred to as 'the Act'] and cancel the Sale Deed in Doc.No.1872/2009, SRO Erumapatti, dated 19.11.2009, in accordance with law.

3. Heard both sides and perused the materials available on record.



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4. With regard to the amendment of Section 77-A of the Act, there are divergent decisions of two separate Benches of this Court as to whether the amendment of Section 77-A of the Act, has to be given retrospective effect or prospective effect and the said decisions have been referred to a Larger Bench to decide the matter. Hence, the proceedings under Section 77-A of the Act, are stayed by this Court. Pursuant to the same, the Inspector General of Registration also issued a Circular dated 29.09.2023 to the Registrar and the Sub-Registrar of the Registration Department that while registering the document, the question regarding Section 77-A of the Act, shall not be entertained.

5. In the light of the above facts and circumstances, this Court is not inclined to grant any direction to the second respondent to proceed with the enquiry under Section 77-A of the Act. Therefore, this writ petition is disposed, by granting liberty to the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs.

10.01.2024

Index: Yes/No

Pg.Nos.3/5



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Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Registrar (Administration),
Registration Department,
Collectorate Buildings,
Namakkal.

Pg.Nos.4/5



WEB COPY



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P.VELMURUGAN, J.

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Pg.Nos.5/5