



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.310 of 2024

and

C.M.P.No.1913 of 2024

1.S.Joseph Raj

2.S.Emmanuvel Raj

... Appellants

Vs.

1.The District Registrar (Admin)
Combined Registration Office,
Kacheri Salai,
Kallakurichi District.

2.The Sub Registrar,
SRO at Vadaponparappi,
Vanapuram Taluk,
Kallakurichi District.

3.Savarimuthu

4.Selvaraju

5.Abraham



6.Lookas

7.Selvaraju

8.Bakkiyaraj

9.Lurdu Sasikala

10.Leo

11.Manikandan

12.The Deputy Superintendent of Police,
Thirukoilur Sub-Division,
Kallakurichi District.

13.The Sub-Inspector of Police,
Moongilduraipattu Police Station,
Kallakurichi District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in writ petition No.28394 of 2023 dated 05.10.2023 and allow the writ appeal.

For Appellants : Mr.J.Venkatraman

For R1, R2, R12 & R13 : Mr.B.Vijay
Additional Government Pleader

For R4 : Mr.K.Hemarajan

For R3 & R5 : Mr.M.Selvam

For R6 & R7 : Mr.K.Venkateswaran



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For R8 to R11

: Mr.Selvamani

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The present Intra Court Appeal has been instituted challenging the order passed in W.P.No.28394 of 2023 dated 05.10.2023.

2. The writ petitioners are appellants before us. The contesting private respondent filed a complaint before the District Registrar under Section 77-A of the Registration Act, 1908 to cancel the documents registered in the year 2003, 2019 and 2022. All the documents mentioned in the complaint were registered prior to 16.08.2022, the date on which Section 77-A had been inserted through T.N. Act 41 of 2022 under the Registration Act.

3. Question arises, whether the District Registrar is empowered to entertain a complaint with reference to the documents registered prior to insertion to Section 77-A under the Registration Act. There is no express provision to apply Section 77-A with retrospective effect. In the absence of any express Clause, amended Section is to be given effect to with prospective



effect. Thus, the documents registered after 16.08.2022 alone can be subjected to cancellation under Section 77-A of the Act.

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4. Though the learned Single Judge directed the writ petitioners to prefer an Appeal under Section 77-B, since the District Registrar and the Inspector General of Registration have no jurisdiction to entertain a complaint in respect of documents registered prior to 16.08.2022. However, exhausting the alternate remedy would do no service to the cause of justice. When the District Registrar has no jurisdiction, the complaint itself is not entertainable. That being the factum, we are inclined to consider the writ appeal.

5. Accordingly, the order dated 05.10.2023 passed in W.P.No.28394 of 2023 is set aside and consequently, the Writ Appeal stands allowed. No costs. Connected Miscellaneous Petition is closed.

[S.M.S., J.] [K.R.S., J.]
25.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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