



WEB COPY



W.P.No.1034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1034 of 2024

and

W.M.P.No.1085 of 2024

V.Santhosh

... Petitioner

versus

1. The Inspector General of Registration,
No.127, Santhome High Road,
Chennai – 600 028.

2.The District Registrar (Admn.),
Salem (West),
Salem.

3.G.Lakshmi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 05.01.2024 and consequently forbear the second respondent from cancelling the sale deed of the petitioner dated 07.02.2022 under Section 77-A of the Registration Act, 1908.

For Petitioners : Mr.K.Selvaraj

Pg.Nos.1/5



WEB COPY



W.P.No.1034 of 2024

For Respondent : Ms.Akila Rajendran
Government Advocate for R1 and R2

ORDER

Ms.Akila Rajendran, learned Government Advocate accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against the third respondent, affecting her interest, notice to the third respondent is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the the first respondent to consider the representation of the petitioner dated 05.01.2024 and consequently forbear the second respondent from cancelling the sale deed of the petitioner dated 07.02.2022 under Section 77-A of the Registration Act, 1908.

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

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



W.P.No.1034 of 2024

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 give any positive direction to the first respondent to consider the representation of the petitioner. However, liberty is granted to the petitioner to work out his remedy before the competent forum in the manner known to law or otherwise he has to wait till the outcome of the decision of the Larger Bench of this Court.



W.P.No.1034 of 2024

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.01.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The Inspector General of Registration,
No.127, Santhome High Road,
Chennai – 600 028.
2. The District Registrar (Admn.),
Salem (West),
Salem.

Pg.Nos.4/5



WEB COPY



W.P.No.1034 of 2024

P.VELMURUGAN, J.
ms

W.P.No.1034 of 2024

18.01.2024

Pg.Nos.5/5