



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.277 of 2024

and

C.M.P.No.1733 of 2024

Sivakumar

... Appellant

Vs.

1. The District Registrar,
Administration,
Virudhachalam.

2. The Sub-Registrar,
Ulundurpet.

3. Andal

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 06.10.2023 passed in W.P.No.28860 of 2023.

For Appellant : Mr.N.Suresh

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



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J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The show-cause notice dated 30.08.2023 was under challenge in the Writ Petition. The learned single Judge granted liberty to the petitioner to approach the appellate authority under Section 77-A of the Registration Act, 1908 to redress the grievances.

2. Writ against a show-cause notice is not entertainable unless it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of *malafides*. As far as the subject show-cause dated 30.08.2023 is concerned, it was issued based on the complaint given by the 3rd respondent on 08.12.2022 to cancel the registered Document No.2573 of 2017.

3. Section 77-A of the Registration Act, 1908 was inserted with effect from 16.08.2022. The said provision cannot be implemented retrospectively so as to cancel the documents registered prior to the amendment made with effect from 16.08.2022. Thus, the notice issued is



without jurisdiction and therefore, we are inclined to consider the Writ Appeal.

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4. Accordingly, the order dated 06.10.2023 made in W.P.No.28860 of 2023 is set aside and the Writ Appeal stands ordered. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.S.,J.) (K.R.S.,J.)
26.03.2024

skr
Index : Yes
Speaking order

To

1. The District Registrar,
Administration,
Virudhachalam.
2. The Sub-Registrar,
Ulundurpet.



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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