



WEB COPY



W.P.No.3639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3639 of 2024

and

W.M.P.No.3924 of 2024

P.Savithiri

... Petitioner

versus

The District Registrar,
Registration Department,
Government of Tamil Nadu,
District Registrar's Office,
Collectorate Complex,
Coimbatore – 641 018.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 20.12.2023, wherein the petitioner had requested the respondent to conduct an enquiry and cancel the Registration of Sale Deeds Dated 13.06.1957, Document No.2544/1957 and Doc.No.2545/1957 on the file of the Coimbatore District Registrar Office,

Pg.Nos.1/5



W.P.No.3639 of 2024

Coimbatore, with respect to a part of the Schedule of property, as per Section 77-A of the Registration Act, 1908, amended by Registration (Tamil Nadu Second Amendment) Act, 2021, (Act No.41 of 2022).

For Petitioner : Mr.S.Vediyappan

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

Mr.B.Vijay, learned Additional Government Pleader accepts notice for the respondent. With the consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has given a representation to the respondent on 20.12.2023, seeking to conduct enquiry and cancel the Registration of Sale Deeds Dated 13.06.1957, Document No.2544/1957 and Doc.No.2545/1957 on the file of the Coimbatore District Registrar Office, Coimbatore, with respect to a part of the Schedule of property, as per Section 77-A of 'the



W.P.No.3639 of 2024

WEB COPY

Registration Act, 1908, amended by Registration (Tamil Nadu Second Amendment) Act, 2021, (Act No.41 of 2022)' [hereinafter referred to as 'the Act']. Since there was no response from the respondent till date, the present writ petition has been filed.

3. Heard both sides.

4. With regard to the amendment of Section 77-A of the Act, there are conflicting 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 Registrars and the Sub-Registrars of the Registration Department that enquiry under Section 77-A of the Act, shall not be entertained. Therefore, this Court is not inclined to issue any direction to the



W.P.No.3639 of 2024

WEB COPY

respondent to conduct enquiry under Section 77-A of the Act. However, the petitioner is at liberty to approach the Civil Court or wait till the outcome of the decision of the Larger Bench of this Court.

5. The writ petition stands disposed of, accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.02.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To
The District Registrar,
Registration Department,
Government of Tamil Nadu,
District Registrar's Office,
Collectorate Complex,
Coimbatore – 641 018.

Pg.Nos.4/5



WEB COPY



W.P.No.3639 of 2024

P.VELMURUGAN, J.

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W.P.No.3639 of 2024

16.02.2024

Pg.Nos.5/5