



W.P.No.5946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No. 5946 of 2024

N.Latha

... Petitioner

versus

1.The Collector,  
Chengalpattu District, Chengalpattu.

2.The District Registrar, Chengalpattu.

3.The Joint Registrar II, Chengalpattu District.

4.The Sub-Registrar,  
Guduvancherry Taluk, Chengalpattu District.

5.S.Ravi

6.S.Padmaveni

7.Malyadri Reddy Puli

8.Ramachandra Reddy Puli

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the second respondent to conduct enquiry and thereby to cancel the four fraudulent Documents viz., 3580/2012; 4636/2014; 9382/2016; 9383/2016 and to take necessary action against respondents 5 to 8.

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For Petitioner : Mr.A.L.Namasivayam  
For Respondents : Mr.B.Vijay  
Additional Government Pleader  
for R1 to R4

### **ORDER**

Mr.B.Vijay, learned Additional Government Pleader accepts notice for respondents 1 to 4. Since this writ petition is being disposed of without passing any adverse orders against respondents 5 to 8, 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 conduct enquiry under Section 77-A of the Registration Act, 1908 [hereinafter referred to as 'the Act'] and thereby, cancel four fraudulent Documents viz., 3580/2012; 4636/2014; 9382/2016; 9383/2016 and to take necessary action against respondents 5 to 8 herein.

3. Heard both sides.

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

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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 in W.P.(MD).No.14546 of 2022, etc., batch dated 27.03.2023. 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 official respondents to conduct enquiry under Section 77-A of the Act. However, the petitioner has got an efficacious alternative remedy, he can either approach the Civil Court or await final orders to be passed by the Larger Bench on the issue.

5. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

**07.03.2024**

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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Chengalpattu District, Chengalpattu.
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**P.VELMURUGAN, J.**

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