



W.P.No.4085 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.02.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**W.P.No.4085 of 2024**

C.S.Palanivel

... Petitioner

Vs.

- 1 The Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai - 09.
- 2 The Inspector General of Registration,  
No. 100, Santhome High Road  
Pattinapakkam Raja Annamalaipuram,  
Chennai 600 028.
- 3 The District Collector,  
Thiruvallur District Collector's Office,  
Chinna Ekkadu Jaya Nagar,  
Thiruvallur,  
Tamil Nadu- 602 001.
- 4 The Revenue Divisional officer,  
Thiruvallur District Collector's Office,  
Chinna Ekkadu Jaya Nagar,  
Thiruvallur,  
Tamil Nadu- 602 001.



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5 The District Registrar,  
(Thiruvallur) No.184 / 12G, Pungathur,  
SP Nagar, Thiruvallur 602 001.

6 The Sub Registrar,  
No 3 / 185 Manavur Salai,  
Thiruvalangadu 631 210.

7 Suresh Kumar

8 Dhinesh Kumar  
Respondents

...

**PRAYER:**

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 5 and 6 to consider the representation given by the petitioner on 08.06.2023 with respect to cancellation of the illegal sale deed registered before the 6th respondent on 04.04.2014 as Document Number 1825 / 2014.

For Petitioner : M/s. Rekha Sivakumar

For R1 to R6 :Mr.Yogesh Kannadasan  
Special Government Pleader



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## **ORDER**

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 5 and 6 to consider the petitioner's representation dated 08.06.2023 with respect to cancellation of sale deed registered before the sixth respondent on 04.04.2014 as Document Number 1825 / 2014.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is passed against the private respondents, notice to the private respondents/R7 and R8 is dispensed with.

4. The subject matter falls under Section 77-A Registration of the Act. Subsequent to the order of this Court, there is an amendment in the Registration Act and Sections 77-A and 77-B have been inserted.



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Subsequently, there is a divergent view regarding the maintainability/applicability and as to whether the Section was to be applied retrospectively or prospectively. Now, a Larger Bench has been constituted to answer the divergent view of the learned Single Judges of this Court. Hence, this Court has stayed the proceedings under Section 77-A of the Act and referred the matter to the Larger Bench of this Court.

5. Subsequently, the Inspector General of Registration, Chennai, has also issued a Circular No.03 of 2023 in Letter No.36330/U1/2023 dated 29.09.2023, wherein it is stated that pursuant to the directions of this Court, all the District Registrars in Tamil Nadu have been directed not to take any further action on the application under Section 77-A of the Registration Act till a final decision is rendered by the Larger Bench of this Court.

6. Since the subject matter has been seized of by the Larger Bench of this Court, this Court is not inclined to pass any order on merits. The petitioner has got an alternative remedy and either he can approach the



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Civil Court or he shall wait for the outcome of the decision of the Larger Bench of this Court, if he is so advised.

7. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

**21.02.2024**

*mfa*

*Index: Yes/No*

*Speaking Order: Yes/No*

*Neutral Citation: Yes/No*



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**P.VELMURUGAN, J.**

*mfa*

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