



W.P.No.3267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3267 of 2024

and

W.M.P.Nos.3534 and 3535 of 2024

1.G.Subramani

2.M.Velu

... Petitioners

versus

1.The District Registrar (Administration),
Office of the District Registrar,
Tirupattur, Vellore District.

2.The Sub Registrar,
Jolarpet, Tirupattur Taluk and District.

3.V.Raja

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for records relating to the order of the first respondent namely the District Registrar (Administration), Tirupattur dated 29.08.2023 in reference No.2543/Aa2/2022 and to quash the same.



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For Petitioners : Mr.V.Nicholas
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 and R2

ORDER

Mr.U.Baranidharan, learned Additional Government Pleader 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 his interest, notice to the third respondent is dispensed with.

2. This writ petition has been filed to quash the impugned order in reference No.2543/Aa2/2022, dated 29.08.2023 passed by the first respondent/ District Registrar (Administration), Tirupattur.

3. The learned counsel for the petitioners submitted that the first respondent has no authority to pass the impugned order by invoking the amended provisions under Section 77-A of the Registration Act, 1908 [hereinafter referred to as 'the Act'] cancelling the sale deeds dated 30.07.2007, 26.09.2011 and 30.01.2014, respectively, as there is a civil suit in O.S.No.117 of 2019 on the file of the District Munsif Court, Tiruppathur,



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filed for declaration, is pending between the parties. Despite the enquiry proceedings under Section 77-A of the Act are pending before the Larger Bench of this Court, the first respondent passed the impugned order and hence, the same is liable to be set aside.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that, a learned Judge of this Court had stayed the enquiry proceedings under Section 77-A of Act, now the enquiry proceedings under Section 77-A of the Act is pending before the Larger Bench of this Court. However the petitioner has got efficacious alternative remedy under Section 77-B of the Act before Inspector General of Registration to challenge the order dated 29.08.2023. Instead of invoking the appellate remedy, the petitioner has hastily filed the present writ petition.

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

6. Since the petitioner is having an efficacious appellate remedy under



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Section 77-B of the Act before the Inspector General of Registration as against the impugned order passed by the first respondent under Section 77-A of the Act, he is at liberty to work out his remedy either before the Civil Court or by filing an appeal before the Inspector General of Registration by invoking Section 77-B of the Act or he can wait till the outcome of the decision of the Larger Bench of this Court. Hence, this Court is not inclined to entertain this writ petition by invoking Article 226 of Constitution of India.

7. With the above observation, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.No.3535 of 2024 is closed.

8. W.M.P.No.3534 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

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

Pg.Nos.4/6



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To

- 1.The District Registrar (Administration),
Office of the District Registrar,
Tirupattur, Vellore District.
- 2.The Sub Registrar,
Jolarpet, Tirupattur Taluk and District.



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P.VELMURUGAN, J.

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