



WEB COPY



W.A.No. 527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.527 of 2024

Saraswathi

... Appellant

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar (Admin),
The Nilgiris.

3.D.Ramachandra Prabhu

4.Halammal

5.Kannamma

6.Lingaraj

7.Malliga

8.M.Krishnamurthy

9.M.Sivakumar

10.M.Shankar

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 14.12.2023 in W.P.No.33746 of 2023 thereby allowing the writ appeal.

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For Appellant : Mrs.Reshmi Christy
For R1 & R2 : Mr.B.Vijay
Additional Government Pleader

J U D G M E N T

(Judgment of the Court delivered by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted against the order dated 14.12.2023 passed in W.P.No.33746 of 2023.

2. The 3rd respondent has filed a compliant before the District Registrar, under Section 77-A of the Registration Act (hereinafter referred to as 'the Act') to cancel the Release Deed registered on 13.07.2023. The District Registrar has allowed the said complaint, by setting aside the Release Deed dated 13.07.2023. The appellant herein has preferred a writ petition. Learned Single Judge has dismissed the writ petition, mainly on the ground that the document sought to be canceled was registered on 13.07.2023, after the amendment came into force i.e., on 16.08.2022. In respect of the documents registered after amendment, complaints under Section 77-A of the Act is entertainable. Aggrieved by the writ order, the present writ appeal is filed.



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3. Mr.B.Vijay, learned Additional Government Pleader would submit that the Hon'ble Division Bench has not stayed Section 77-A and 77-B of the Registration Act.

4. So long as the provision has not been stayed and remain in Statute Book, the Authorities Competent are bound to exercise the powers, so as to redress the grievances of the aggrieved persons. An interim order with reference to particular facts of the case would not be a ground to reject all the complaints filed under Section 77-A or appeal under 77-B of the Act. The issue pending before the Hon'ble Division Bench is about the retrospective application of the amended provision in Section 77-A & 77-B. Therefore, there is no impediment for the District Registrar to entertain Complaints under Section 77-A of the Registration Act, in respect of the documents registered after the amendment came into force i.e. on 16.08.2022.

5. We are of the opinion that the complaints under Section 77-A in the present writ case is entertainable, in view of the fact that the subject document was registered after the amendment i.e., on 16.08.2022. Therefore,



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there is no infirmity with reference to the order passed by the District Registrar as well as the writ order. Since an appeal has been contemplated under Section 77-B of the Act, the appellant is at liberty to prefer an appeal under Section 77-B of the Act, before the Authority competent. The appeal if any filed, the same is directed to be decided on merits and in accordance with law.

6. With this liberty, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

[S.M.S.J.] [K.R.S.J.]
16.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar (Admin),

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The Nilgiris.

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

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Judgment in
W.A.No.527 of 2024

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