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W.P.No.6655 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.6655 of 2024
and WMP.Nos.7401 and 7402 of 2024

1.K.Venkatasubramanian
2.Parvathi

... Petitioners

vs.

1.The Inspector General of Registration,
Santhome High Road,
Pattinappakkam,
Chennai – 28.

2.The District Registrar (Admn),
South Chennai,
Nandanam,
Chennai – 600 035.

3.The Deputy District Registrar (Admin),
South Chennai,
Nandanam,
Chennai – 600 035.

4.Alok Kumar Chaturvedi
5.Sathish Ramakrishnan
6.V.Joseph Fernando
7.B.Melson
8.E.Rajesh

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9.M/s.Simpcon Developers,
Represented by its Proprietor,
No.3, Bharathiyar Colony,
First Avenue, Ashok Nagar,
Chennai – 600 083.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, call for the records relating to the order passed by the 3rd respondent in Na.Ka.No.6313/E2/2023 dated 29.09.2023 and quash the same

For Petitioner	: No appearance
For Respondents	: Mr.P.Harish Government Advocate for R1 to R3 Mr.Dr.G.Babu for R6 M/s.R.Sonir Glory for R4 and R5 No appearance for R7 R8-deceased R9-unserved

ORDER

This writ petition is filed challenging the order passed by the third respondent cancelling registered sale deed and construction agreement in favour of the petitioner registered as Document Nos.7304 and 7305 of 2020 on the file of Sub Registrar, Neelankarai. The third respondent passed the



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impugned order cancelling the registered document in favour of the petitioner by exercising power under Section 77A of the Registration Act at the instance of the respondents 4 and 5.

2. This Court in ***M.Kathirvel vs. The Inspector General of Registration*** reported in ***MANU/TN/4032/2024***, struck down Section 77A of Registration Act, the consequence of the same on the orders passed by the District Registrar in exercise of power under Section 77A of the Registration Act, 1908 was also spelled out by the Division Bench in the following words:

The above writ petitions are filed challenging the orders passed by the District Registrar cancelling the document on the ground that the registration of the document are in contravention of Section 22-A and Section 22-B. In view of the decision taken by this Court by declaring Section 77-A is unconstitutional, all these writ petitions are allowed and the impugned order passed by the respective District Registrars by invoking the power under Section 77 are set aside.

3. In view of the law laid down by the Division Bench of this



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Court in the above mentioned case, as a necessary consequence, the impugned order passed by the third respondent in Na.Ka.No.6313/E2/2023 dated 29.09.2023 is set aside. Accordingly, the writ petition stands allowed. Any entry made in the encumbrance certificate pursuant to the impugned order shall be removed by the respondents.

4. It is open to the private respondents to workout their remedy in the manner known to law before the Civil Court. The contesting respondents 4 and 5 are entitled to exclude the time taken in prosecuting the proceedings under Section 77A of Registration Act and writ petition before this Court, while calculating limitation for filing Civil suit. No cost. Consequently, connected miscellaneous petitions are closed.

23.09.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

1.The Inspector General of Registration,

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No.100, Santhome High Road,
Foreshore Estate,
Pattinappakkam,
Chennai – 28.

2.The District Registrar,
1/529, Nerupperichal Village,
Pooluvapatti Post,
Tirupur – 641 602.

3.The Sub Registrar,
21, Katcheri Street,
Taluk Office Campus,
Udumalapet – 642 126.

S.SOUNTHAR, J.



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