



W.P.No.3876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3876 of 2024

Yasodhammal

... Petitioner

versus

1.The District Collector,
Thiruvallur District.

2.The Revenue Divisional Officer/
The Maintenance of Parents and Aged Persons tribunal,
Thiruvallur District.

3.The Inspector General of Registration,
Office of Santhome,
Chennai – 28.

4.The District Registrar,
North Madras,
Kuralagam, Chennai.

5.The Sub Registrar,
Office of Ambattur,
Chennai.

6.Saravanan

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Mandamus, to direct the respondents 4 and 5 to consider

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the petitioner's representation dated 17.5.2022 herein and consequently cancel the settlement deed vide Document No.11589/2012 dated 16.11.2012.

For Petitioner : Mr.R.Ramesh
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R5

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 to 5. Since this writ petition is being disposed of without passing any adverse orders against 6th respondent, affecting his interest, notice to 6th respondent is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the respondents 4 and 5 to consider the petitioner's representation dated 17.5.2022, in and by which, she sought to cancel the settlement deed vide Document No.11589/2012 dated 16.11.2012.

3. Heard both sides.

4. With regard to the amendment of Section 77-A of the Act, there



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are conflicting 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 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. 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 respondents to conduct enquiry under Section 77-A of the Act. However, the petitioner is at liberty to approach the Civil Court or wait till the outcome of the decision of the Larger Bench of this Court.

5. The writ petition stands disposed of, accordingly. There shall be no order as to costs.

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

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Thiruvallur District.
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P.VELMURUGAN, J.

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