



W.P.No. 5219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 5219 of 2024

G.Jagathammal

... Petitioner

versus

1.The District Registrar,
The District Registration Office,
South Chennai,
Nandanam, Chennai – 600 035.

2.K.Gopal Pillai

3.G.Venkatesan

4.G.Sridharan

5.G.Ramesh

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to pass orders on the complaint dated 20.04.2023 filed under Section 77-A of the Registration Act, 1908.

For Petitioner	:	Mr.R.Balamurugan
For Respondents	:	Mr.Yogesh Kannadasan Special Government Pleader for R1



W.P.No. 5219 of 2024

ORDER

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Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the first respondent. Since this writ petition is being disposed of without passing any adverse orders against respondents 2 to 5 affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus directing the first respondent to pass orders on the complaint dated 20.04.2023, in and by which, the petitioner sought to cancel the settlement deed dated 03.08.2011 executed by the second respondent herein in favour of respondents 3 to 5, by invoking Section 77-A of the Registration Act, 1908.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and perused the materials available on record.

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



W.P.No. 5219 of 2024

divergent 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 in W.P.(MD).No.14546 of 2022, etc., batch dated 27.03.2023. 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 first respondent to conduct enquiry under Section 77-A of the Act. However, the petitioner has got an efficacious alternative remedy. He can either approach the Civil Court or await final orders to be passed by the Larger Bench on the issue.

5. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

01.03.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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Pg.Nos.3/5



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W.P.No. 5219 of 2024

To

The District Registrar,
The District Registration Office,
South Chennai,
Nandanam, Chennai – 600 035.

Pg.Nos.4/5



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W.P.No. 5219 of 2024

P.VELMURUGAN, J.
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W.P.No. 5219 of 2024

01.03.2024

Pg.Nos.5/5