



W.P.No.4363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.4363 of 2024

and

W.M.P.No.4697 of 2024

Muthu
S/o.Munian

... Petitioner

versus

1. Inspector General (Registration),
Santhome, Chennai.
2. The District Registrar (Administration),
Tindivanam Registration District,
Santhaimedu, Gingee Road,
Tindivanam.
3. The Sub Registrar,
Joint Sub-Registration Office No.1,
Tindivanam.
4. Mariammal
W/o.Nallathambi Kounder

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Certiorarified Mandamus, to call for records and quash the

Pg.Nos.1/6



W.P.No.4363 of 2024

proceedings of the second respondent dated 23.06.2023 in Na.Ka.No.3015/Aa3/2022 cancelling the sale deeds pertaining to year 2014 invoking Section 77-A of the amended Act and consequently directing the third respondent to delete any endorsements if anything made on the sale deeds.

For Petitioner : Mr.C.Raja
For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

ORDER

Mr.B.Vijay, learned Additional Government Pleader accepts notice for respondents 1 to 3. Since this writ petition is being disposed of without passing any adverse orders against 4th respondent affecting her interest, notice to 4th respondent is dispensed with.

2. This writ petition has been filed to quash the proceedings in Na.Ka.No.3015/Aa3/2022, dated 23.06.2023, passed by the second respondent cancelling the sale deeds pertaining to the year 2014 by invoking Section 77-A of the Registration Act, 1908 (amended Act) [hereinafter



W.P.No.4363 of 2024

referred to as 'the Act'] and consequently, direct the third respondent to delete any endorsements if anything, made on the sale deeds.

3.The learned counsel for the petitioner submitted that based on the complaint dated 17.06.2022 given by the fourth respondent herein, the second respondent initiated enquiry under Section 77-A of the Act and passed the impugned order on 23.06.2023 by cancelling the sale deeds. He further submitted that this Court in W.P.(MD).No.14546 of 2022 etc., batch, dated 27.03.2023 has stayed the enquiry under Section 77-A of the Act and despite of the order of this Court dated 27.03.2023, the second respondent by invoking Section 77-A of the Act, passed the impugned order. Hence, the impugned order is liable to be set aside.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and perused the materials available on record.

5. It is seen from the records that the second respondent by invoking Section 77-A of the Act has passed impugned order on 23.06.2023. There



W.P.No.4363 of 2024

are 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.

6. Since the impugned order, dated 23.06.2023 has been passed by the second respondent by cancelling the sale deeds, during the interim stay passed by this Court, referred to above, the said order cannot stand in the eye of law. Therefore, the impugned order is set aside. 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.

7. The writ petition is allowed as above, granting liberty to the petitioner to work out her remedy before the competent forum in the manner known to law. There shall be no order as to costs. Consequently, connected



W.P.No.4363 of 2024

miscellaneous petition is closed.

WEB COPY

22.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

ms

To

1.The Inspector General (Registration),
Santhome, Chennai.

2.The District Registrar (Administration),
Tindivanam Registration District,
Santhaimedu, Gingee Road,
Tindivanam.

3.The Sub Registrar,
Joint Sub-Registration Office No.1,
Tindivanam.



WEB COPY



W.P.No.4363 of 2024

P.VELMURUGAN, J.
ms

W.P.No.4363 of 2024

22.02.2024

Pg.Nos.6/6