



W.P.No.4520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.4520 of 2024

P.Radhakrishnan

... Petitioner

versus

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

2.The Registrar,
AH45 Registration Office,
Ranipet – 632 401.

3.The Sub-Registrar,
Sub-Registrar Office,
Arcot – 632 503.

4.G.Palani
5.V.Sathya

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to take action on the petitioner's representation dated 09.02.2024 to cancel the settlement deed

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registered as Doc.No.6774/2012 dated 24.08.2012 and Doc.No.7703/2020 dated 30.12.2020 on the file of the third respondent Sub-Registrar Office.

For Petitioner : Mr.S.Sasikumar
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 to R3

ORDER

Mr.U.Baranidharan, 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 respondents 4 and 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 respondents to take action on the petitioner's representation dated 09.02.2024, in and by which, he sought to cancel the settlement deed registered as Doc.No.6774/2012 dated 24.08.2012 and Doc.No.7703/2020 dated 30.12.2020 on the file of the Sub-Registrar Office, Arcot/third respondent herein.

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3. Heard both sides and perused the materials available on record.

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



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

There shall be no order as to costs.

26.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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

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3.The Sub-Registrar,
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P.VELMURUGAN, J.
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