



W.A.Nos.1494 & 1495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.08.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.Nos.1494 & 1495 of 2024

Mr.Vinith Chordia	..	Appellant in W.A.No.1494 of 2024
Mr.Naval Chordia	..	Appellant in W.A.No.1495 of 2024

v.

1. The District Registrar (Administration)
Office of the District Registrar
Chengalpattu

2. Mr.G.Elumalai .. Respondents in both the W.A's

Writ Appeals filed under Clause 15 of the Letters Patent, against the common order dated 29.09.2023 made in W.P.Nos.28673 & 28678 of 2023.

For Appellants :: Mrs.Hema Muralikrishnan

For Respondents :: Mr.B.Vijay
Additional Government Pleader
for R1
Mr.K.Ramanamoorthy for R2



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COMMON JUDGMENT

(Judgment of the Court was made by S.S.SUNDAR,J.)

These writ appeals are directed against the common order passed by the learned single Judge dated 29.09.2023 dismissing the writ petitions in W.P.Nos.28673 and 28678 of 2023. The petitioners in the writ petitions are before this Court in the appeals.

2. Brief facts that are necessary for the disposal of these writ appeals are as follows:-

The appellants, who are the writ petitioners, filed the writ petitions challenging the enquiry notice dated 18.08.2023 issued by the District Registrar in exercise of powers under Section 77-A of the Registration Act. The contention of the appellants is that the complaint given by the second respondent to cancel the document under Section 77-A of the Registration Act is untenable, in view of the pendency of the matter before the civil Court in A.S.No.19 of 2017. This Court has now struck down Section 77-A of the Registration Act and that therefore there is no scope for exercise of



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power by the Registrar under Section 77-A of Registration Act.

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3. The order impugned in the writ petitions being notice for enquiry, the same is liable to be quashed for want of jurisdiction, as held by this Court recently in a batch of cases in W.P.Nos.10291 of 2022 etc., vide order dated 02.08.2024 (M.Kathirvel v. Inspector General of Registration & others). Therefore, both the writ appeals are allowed and the common order of the learned single Judge is set aside. Consequently, the notice impugned in the writ petitions stands quashed and the W.P.Nos.28673 & 28678 of 2023 filed by the appellants/petitioners stand allowed. Consequently, C.M.P.Nos.10584 & 10591 of 2024 are closed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (K.R.S.,J.)
09.08.2024

SS

To

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Office of the District Registrar
Chengalpattu

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