



W.P.No.7200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 7200 of 2024
and
W.M.P.No.8051 of 2024

C.Srinivasan

... Petitioner

versus

1.The District Registrar,
Registration Department,
Kumaragiri bypass Road,
Nearby Kailash Manasarovar CBSE School,
Kamaraj Colony, Salem – 636 014.

2.The Sub Registrar,
Thathakapatti Sub Registration Office,
Kumaragiri bypass Road,
Nearby Kailash Manasarovar CBSE School,
Kamaraj Colony, Salem – 636 014.

3.Aathmanathan

4.Arulsakthi

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent to pass final order in the petitioner's Appeal dated 11.09.2023 within a time limit that may be stipulated by this Court.

Pg.Nos.1/5



W.P.No.7200 of 2024

For Petitioner : Mr.S.Mannarsamy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1 and R2

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against respondents 3 and 4, 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 final orders in the petitioner's Appeal dated 11.09.2023 within a time frame.

3. The grievance of the petitioner is that, aggrieved by the order passed by the second respondent dated 14.06.2022, the petitioner preferred an appeal before the first respondent on 11.09.2023 under Section 77-A of



W.P.No.7200 of 2024

the Registration Act, 1908 [hereinafter referred to as 'the Act'] but, so far, it is not yet disposed of.

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

5. 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 first respondent to conduct enquiry under Section 77-A of the Act. However, the petitioner has got an



W.P.No.7200 of 2024

efficacious alternative remedy, he can either approach the Civil Court or await final orders to be passed by the Larger Bench on the issue.

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

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

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

To

1.The District Registrar,
Registration Department,
Kumaragiri bypass Road,
Nearby Kailash Manasarovar CBSE School,
Kamaraj Colony, Salem – 636 014.

2.The Sub Registrar,
Thathakapatti Sub Registration Office,
Kumaragiri bypass Road,
Nearby Kailash Manasarovar CBSE School,
Kamaraj Colony, Salem – 636 014.

Pg.Nos.4/5



WEB COPY



W.P.No.7200 of 2024

P.VELMURUGAN, J.

ms

W.P.No.7200 of 2024

20.03.2024

Pg.Nos.5/5