



W.P.No. 7632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 7632 of 2024

and

W.M.P.No.8547 of 2024

R.Mallika

... Petitioner

versus

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

2.The District Registrar (Admin),
No.15, Rottikara Street,
Tindivanam Taluk, Tindivanam – 604 001,
Vizhupuram District.

3.The Sub-Registrar,
5/15A, Sannathi Street,
Mailam, Tindivanam Taluk,
Tindivanam – 604 304, Vizhupuram District.

4.Malaiyan

5.M.Subramaniam

6.C.R.Ramkumar

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to cancel the settlement deed dated 12.03.2010 registered as Document No.1086 of 2010 and the Sale deeds registered as document Nos.2737/2011, 3581/2011, 3639/2011 and 4370/2011 with regard to the petitioner's land which she acquired as per the Settlement Deed in favour of her mother, dated 11.03.1985 registered as Document No.263/1985 before the Sub Registrar, Mailam, in view of the power of cancellation of registered document vested under Section 77A (2) of the Registration Act, 1908.

For Petitioner : Ms.K.Subhashini
for M/s.Chennai Law Associates

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R3

ORDER

Mr.Yogesh Kannadasan, learned Special 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 to 6 affecting their interest, notice to those respondents is dispensed with.



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2. This writ petition has been filed seeking for issuance of a writ of mandamus directing the first respondent to cancel the settlement deed dated 12.03.2010 registered as Document No.1086 of 2010 and the Sale deeds registered as document Nos.2737/2011, 3581/2011, 3639/2011 and 4370/2011 with regard to the petitioner's land which she acquired as per the Settlement Deed in favour of her mother, dated 11.03.1985 registered as Document No.263/1985 before the Sub Registrar, Mailam, in view of the power of cancellation of registered document vested under Section 77A (2) of the Registration Act, 1908.

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

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



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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. Consequently, connected miscellaneous petition is closed.

22.03.2024

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

Pg.Nos.4/6



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To

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