



WEB COPY



W.P.No.5695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.5695 of 2024

and

W.M.P.No.6298 of 2024

K.Bharathi Raja Manickam

... Petitioner

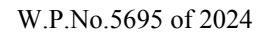
Vs.

1 The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100 Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Chennai.

2 The District Registrar (Administration),
O/o. The District Registrar - Central Zone,
No.268 Bharathi Salai,
Express Estate,
Royapettai, Chennai.

3 The Sub Registrar,
O/o. The Sub Registrar, Periamet,
No.1103 Poonamallee High Road,
Periamet, Chennai.

... Respondents



For Petitioner : Mr.Subash Chandrabose

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to conduct enquiry and pass appropriate orders on the petitioner's appeal bearing File No.37545/ V1/ 2023, dated 05.10.2023 filed u/s 77B of Registration Act, 1908 as against the impugned order passed by the second respondent in Na.Ka. No.5084/ Aa2/ 2023 dated 20.09.2023 u/s 77A of the Registration Act 1908.



W.P.No.5695 of 2024

WEB COPY

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

3. Learned counsel for the petitioner submitted that originally the petitioner filed a petition before the second respondent under Section 77(A) of the Registration Act. The second respondent passed the order on 20.09.2023. Challenging the same, he has filed a statutory appeal under Section 77(B) of the Registration Act before the first respondent and the same is pending.

4. Subsequent to the order of this Court, there is an amendment in the Registration Act and Sections 77-A and 77-B have been inserted. Subsequently, there is a divergent view regarding the maintainability/applicability and as to whether the Section was to be applied retrospectively or prospectively. Now, a Larger Bench has been constituted to answer the divergent view of the learned Single Judges of this Court. Hence, this Court has stayed the proceedings under Section



W.P.No.5695 of 2024

WEB COPY

77-A of the Act and referred the matter to the Larger Bench of this Court. Since the subject matter has been seized of by the Larger Bench of this Court, this Court cannot pass any order on merits. The petitioner has got an alternative remedy and either he can workout his remedy before the Civil Court, or he shall wait till the outcome of the decision of the Larger Bench of this Court, if he is so advised.

5. With the abovesaid direction, The Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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