



W.P.No.5889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 5889 of 2024

and

W.M.P.No. 6519 of 2024

K.B.Bhasavaraj

... Petitioner

versus

1.The Inspector General of Registration,
Registration Office,
Santhome Road, Chennai – 28.

2.The District Registrar,
Department of Registrations,
Krishnagiri – District.

3.The Sub Registrar,
Kelamangalam Sub Registrar Office,
Kelamangalam, Krishnagiri District.

4.Beeramma

5.Sithapasappa

6.P.R.Nanjundappa

7.H.Venkatesh

8.V.Venkataraj

9.Manjula

10.M.Haresh

.....Respondents

Pg.Nos.1/5



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 and 2 to consider and dispose of the petitioner's appeal/representation dated 08.11.2023, within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Gopi
For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3

ORDER

Mr.B.Vijay, 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 to 10, 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 respondents 1 and 2 to consider and dispose of the petitioner's appeal/representation dated 08.11.2023, in and by which, the petitioner sought to cancel the settlement deed dated 12.04.2002 vide



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Document No. 525 of 2002 on the file of the Sub Registrar Officer, Shoolagiri and subsequent sale deeds, under Section 77-A of the Registration Act, 1908 [hereinafter referred to as 'the Act']

3. Heard both sides.

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 official respondents to conduct enquiry under Section 77-A of the Act. However, the petitioner has got an



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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.

07.03.2024

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

- 1.The Inspector General of Registration,
Registration Office,
Santhome Road, Chennai – 28.
- 2.The District Registrar,
Department of Registrations,
Krishnagiri – District.
- 3.The Sub Registrar,
Kelamangalam Sub Registrar Office,
Kelamangalam, Krishnagiri District.

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