



W.P.No.7846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.7846 of 2024

and

W.M.P.Nos.8796 and 8797 of 2024

R.Mutharasan

... Petitioner

versus

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
No.50, Sankar Naidu Street, Cuddalore District.
- 3.The District Registrar (Administration),
Office of the District Registrar,
Kallakurichi, Kallakurichi District.
- 4.The Sub Registrar,
Office of the Sub Registrar,
Nagallur, Kallakurichi District.



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5.Sambath

6.Vengaiarasan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the reocrds of the impugned order issued by the third respondent in Na.Ka.No 696/A4/2024 dated 20.02.2024 and quash the same as illegal.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1 to R4

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 to 4. Since this writ petition is being disposed of without passing any adverse orders against respondents 5 and 6, affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed to quash the impugned order passed by the third respondent in Na.Ka.No 696/A4/2024 dated 20.02.2024.



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3. The learned counsel for the petitioner submitted that the petitioner has filed a complaint before the District Registrar/third respondent herein on 16.02.2024 seeking to cancel the settlement deed in Document No.373/2022 executed by the fifth respondent in favour of the sixth respondent. However, the third respondent passed the impugned order, without affording due opportunity of hearing to the petitioner.

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

5. It is seen from the records that as the claim of the petitioner falls under Section 77-A of the Registration Act, 1908 [hereinafter referred to as 'the Act'], the third respondent rejected the same and passed the impugned order by citing the directions of this Court made in W.P(MD).No.14546 of 2022 etc., batch dated 27.03.2023 and W.P.No.18814 of 2023, dated 27.06.2023 and also the Circular of the first respondent. Challenging the said order, the petitioner has filed the present writ petition. It is to be noted that since there are conflicting decisions of two separate Benches of this Court as



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to whether the amendment of Section 77-A of the Act, has to be given retrospective effect or prospective effect, the said decisions have been referred to a Larger Bench to decide the matter, which is seized of the matter. Therefore, this Court is not inclined to entertain this writ petition at this stage. However, there is no bar or legal impediment for the petitioner to approach the Civil Court and seek appropriate remedy. Therefore, the petitioner is at liberty to approach the Civil Court or await final orders to be passed by the Larger Bench on the issue.

6. With the above observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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