



W.P.No.20426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.Nos.20426 & 20429 of 2024

W.P.Nos.20426 of 2024

Arulanand

...Petitioner

Vs.

1.The District Registrar,

Administration,

Virudhachalam

2.The Joint Sub Registrar-I,

Virudhachalam

3.V.Kaliyaperumal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, directing to call for the records of the 1st respondent in his proceedings in Na.Ka.No.3267/Aa1/2021 dated 09.09.2022 and the endorsement incorporated at the instance of the 2nd respondent in respect of document No.2544/2022 as against "Document remarks/ஆவணக் குறிப்புகள் " in the encumbrance certificate and also Book-I and quash the same.

For Petitioner : Mr.N.Suresh



WEB COPY



W.P.No.20426 of 2024

For Respondents : Mr.P.Harish
Government Advocate, for R1 & R2
Not ready in notice for R3

W.P.Nos.20429 of 2024

M.Chandrasekaran

...Petitioner

Vs.

1.The District Registrar,
Administration,
Virudhachalam

2.The Joint Sub Registrar-I,
Virudhachalam

3.V.Kaliyaperumal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, directing to call for the records of the 1st respondent in his proceedings in Na.Ka.No.3267/Aa1/2021 dated 09.09.2022 and the endorsement incorporated at the instance of the 2nd respondent in respect of document No.2875 of 2019 as against "Document remarks/ஆவணக் குறிப்புகள் " in the encumbrance certificate and also Book-I and quash the same.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader,
for R1 & R2



WEB COPY



W.P.No.20426 of 2024

COMMON ORDER

The writ petitions filed challenging the cancellation of the sale deeds dated 09.09.2019, registered document Nos.2875 of 2019 and 2544 of 2022 as well other document which are originated under Document No.681 of 2000 on the file of the 1st respondent/District Registrar, Virudhachalam. On complaint made by the 3rd respondent the two sale deeds as well as other documents have been unilaterally cancelled by the 1st respondent/District Registrar. Therefore, the petitioner have approached this Court to have his grievance redressed.

2.Heard learned counsel on either side.

3.In the light of the judgment of the Division Bench in ***M.Kathirvel Vs. Inspector General of Registration*** Reported in ***(2024) 4 CTC 769*** wherein this Court has held Section 77A of the Registration Act to be unconstitutional and unworkable, the impugned order has to necessarily be set aside as the cancellation is under Section 77A of the Registration Act.



W.P.No.20426 of 2024

4. Accordingly, the writ petition stands allowed. no cost.

11.11.2024

vsn

Index: Yes/No

Speaking/ Yes/No

Neutral case citation: Yes/No

To

1. The District Registrar,

Administration,

Virudhachalam

2. The Joint Sub Registrar-I,

Virudhachalam



WEB COPY



W.P.No.20426 of 2024

P.T. ASHA, J.

vsn

W.P.Nos.20426 & 20429 of 2024

11.11.2024