



WEB COPY



W.A.No.2216 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.A.No.2216 of 2024

and

C.M.P.No.15633 of 2024

Rani Raju

Vs.

... Appellant

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The District Registrar (Audit),
Thiruvarur.

3.The Sub-Registrar,
Thiruvarur.

4.PasaloorRahaman

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.08.2023 in W.P.No.23563 of 2023 on the file of this Court.



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For Appellant : M/s.M.Abbiraami
For R1 to R3 : Mr.B.Vijay
Additional Government Pleader
For R4 : Mr.Krishna Ravindran
for Mr.Kavin Prabhu

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of learned Single Judge, dated 10.08.2023, in W.P.No.23563 of 2023 filed by the appellant for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 17.04.2023 and consequently, direct the respondents 1 to 3 to delete the document remarks made in Encumbrance Certificate with regard to S.F.No.112/4 in Kattoor Village, Thiruvarur Taluk.

2.The appellant/writ petitioner challenged the order of District Registrar in exercise of power under Section 77-A of the Registration Act. The case of the appellant is that the District Registrar has no jurisdiction to cancel the document, since the document was registered long back. The



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learned Single Judge, holding that an order passed under Section 77-A is subject to an appeal, disposed of the writ petition with a direction to the appellant to exhaust the appellate remedy as provided under the Statute.

3.This Court, in a batch of writ petitions in ***M.Kathirvel v. Inspector General of Registration and others [W.P.No.10291 of 2022, etc. batch, dated 02.08.2024]***, struck down Section 77-A of the Registration Act holding that Section 77-A is unconstitutional. This Court has also observed that Section 77-A is prospective and such a power cannot be exercised to cancel the documents which were registered long prior to the amendment, and that no enquiry can be conducted by Registrar to cancel a registered document. Therefore, the writ petition ought to have been allowed by the learned Single Judge in view of the decision of this Court striking down Section 77-A of the Registration Act.

4.Hence, this Writ Appeal is allowed and the order of the learned Single Judge, dated 10.08.2023, dismissing the writ petition in W.P.No.23563 of 2023, is set aside, and the writ petition in W.P.No.23563 of



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2023 stands allowed. The order impugned in the writ petition, namely, the order passed by the District Registrar, Thiruvarur, dated 17.04.2023, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (A.D.M.C., J.)
21.10.2024

mkn

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar (Audit),
Thiruvarur.
- 3.The Sub-Registrar,
Thiruvarur.



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