



W.P.No.22406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22406 of 2023
and WMP.No.21800 of 2023

N.Poovizhi

... Petitioner

Vs.

1.The District Registrar (Administration),
Ariyalur,
Ariyalur District.

2.The Sub-Registrar of Registration,
Andimadam and Post,
Ariyalur District.

3.Rajambal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the orders of the first respondent in Na.Ka.No.7783/A4/2022 dated 16.06.2023 and quash the same.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.P.Harish
Government Advocate for R1 and R2
No appearance for R3



W.P.No.22406 of 2023

ORDER

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This writ petition is filed challenging the order passed by the first respondent cancelling the sale deed executed in favour of the petitioner registered as Document No.1846 of 2012, on the file of the Sub Registrar, Andimadam.

2. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 . Though notice served on 3rd respondent and counsel entered appearance for her, there is no representation for 3rd respondent.

3. This Court in ***M.Kathirvel vs. The Inspector General of Registration*** reported in ***MANU/TN/4032/2024***, struck down Section 77A of Registration Act, the consequence of the same on the orders passed by the District Registrar in exercise of power under Section 77A of the Registration Act, 1908 was also spelled out by the Division Bench in the following words:

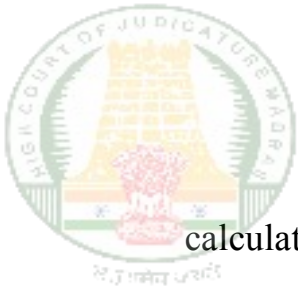
The above writ petitions are filed challenging



the orders passed by the District Registrar cancelling the document on the ground that the registration of the document are in contravention of Section 22-A and Section 22-B. In view of the decision taken by this Court by declaring Section 77-A is unconstitutional, all these writ petitions are allowed and the impugned order passed by the respective District Registrars by invoking the power under Section 77 are set aside.

4. In view of the law laid down by the Division Bench of this Court in the above mentioned case, as a necessary consequence, the impugned order passed by the first respondent in Na.Ka.No.7783/A4/2022 dated 16.06.2023 is set aside. Accordingly, the writ petition stands allowed. Any entry made in the encumbrance certificate pursuant to the impugned order shall be removed by the respondents.

5. It is open to the private respondent to workout her remedy in the manner known to law before the Civil Court. The private respondent is entitled to exclude the time taken in prosecuting the proceedings under Section 77A of Registration Act and writ petition before this Court, while



W.P.No.22406 of 2023

calculating limitation for filing Civil suit. No cost. Consequently, connected miscellaneous petition is closed.

23.09.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To
1.The District Registrar (Administration),
Ariyalur,
Ariyalur District.

2.The Sub-Registrar of Registration,
Andimadam and Post,
Ariyalur District.



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W.P.No.22406 of 2023

S.SOUNTHAR, J.

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W.P.No.22406 of 2023

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