



WEB COPY



W.P.No.24330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24330 of 2023
and WMP.Nos.23771 and 23772 of 2023

Rajappa

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Krishnagiri District.

3.The Sub Registrar,
Hosur,
Krishnagiri District.

4.Venkateshappa
5.Venkatalakshmaiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 30.06.2023 in Na.Ka.No.5293/U/2022 passed by the 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.R.Ramesh Raja
For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3
No appearance for R4 and R5

ORDER

This writ petition is filed challenging the order passed by the second respondent cancelling the sale deed executed in favour of the petitioner registered as Document No.9478 of 2021, on the file of the Sub Registrar, Hosur.

2. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice served on the respondents 4 and 5 and their name appear in the list, there is no representation for respondents 4 and 5.

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



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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 second respondent in Na.Ka.No.5293/U/2022, dated 30.06.2023 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 their remedy in



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the manner known to law before the Civil Court. The private respondents are entitled to exclude the time taken in prosecuting the proceedings under Section 77A of Registration Act and writ petition before this Court, while calculating limitation for filing Civil suit. No cost. Consequently, connected miscellaneous petitions are closed.

23.09.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To
1.The Inspector General of Registration,

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Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 600 028.

2.The District Registrar,
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3.The Sub Registrar,
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S.SOUNTHAR, J.



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