



W.P.No.28326 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28326 of 2023
and WMP.No.27583 of 2023

M.Vasudevan

... Petitioner

Vs.

1.The District Registrar (Accounts),
Office of the Registration Department,
Krishnagiri.

2.M.Bhaskar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent by proceedings in Na.Ka.No.4450/U/2022 dated 10.07.2023 and quash the same.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1
Mr.R.Bharath Kumar for R2



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ORDER

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This writ petition is filed challenging the order passed by the first respondent cancelling the sale deeds registered as document Nos.61/2006, 641/2006, 1849/2007, 728/2008, 1721/2009, 5190/2009, 5088/2010 under Section 77A of Registration Act.

2. 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.”

3. In view of the law laid down by the Division Bench of this



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Court in the above mentioned case, as a necessary consequence, the impugned order passed by the first respondent in Na.Ka.No.4450/U/2022 dated 10.07.2023 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.

4. It is open to the private respondent to workout his 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 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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The District Registrar (Accounts),
Office of the Registration Department,
Krishnagiri.

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S.SOUNTHAR, J.

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