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W.A.No.3016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.3016 of 2023

M.Sukumar Reddy .. Appellant

v.

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

2. Dr.Arunvel Kumar .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the
order dated 16.08.2023 made in W.P.No.19280 of 2023.

For Appellant :: Mr.P.Subba Reddy

For Respondents :: Mr.B.Vijay
Additional Government Pleader
for R1
Mrs.Hema Muralikrishnan for R2



W.A.No.3016 of 2023

JUDGMENT

(Judgment of the Court was made by S.S.SUNDAR,J.)

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Lengthy arguments were advanced by the learned counsel appearing for the appellant. The appeal is filed by the person claiming to be the original owner of the property, as against the order passed by the learned single Judge in a writ petition filed by the second respondent in W.P.No.19280 of 2023.

2. Brief facts that are necessary for the disposal of this writ appeal are as follows:-

The writ petitioner purchased the property from the appellant under three different sale deeds dated 20.01.2015 executed through the appellant's power of attorney agent. The appellant filed a complaint before the first respondent to cancel the documents on the ground that the sale deeds have been executed fraudulently. After filing of complaint, the District Registrar, in exercise of power under Section 77-A of the Registration Act, cancelled the documents vide proceedings dated 31.05.2023. The said order of District Registrar in exercise of powers under Section 77-A of the Registration Act



W.A.No.3016 of 2023

was put to challenge by the writ petitioner/purchaser. The writ petition was allowed by the learned single Judge of this Court holding that the provisions of Sections 77-A and 22-B of the Registration Act, which were introduced by way of amendment, are prospective and therefore the sale deeds, which were prior to the amendment, cannot be invalidated or the registration be cancelled by exercising the power under Section 77-A of the Registration Act. This order of the learned single Judge in the writ petition dated 16.08.2023 is impugned in the appeal.

3. This Court has already struck down Section 77-A of the Registration Act holding that it is unconstitutional. In view of the same, the order of the District Registrar impugned in the writ petition dated 31.05.2023 cannot survive. Therefore, this writ appeal is dismissed. Even though the learned counsel for appellant prayed for a direction from this Court for early disposal of the suits, this Court consciously refuse to grant such a relief, as the appellant had filed the complaint under Section 77-A after institution of the suits for similar relief. Consequently, C.M.P.Nos.24989 & 24990 of 2023 are also dismissed. No costs.



W.A.No.3016 of 2023

WEB COPY

Index : yes/no

Neutral citation : yes/no

(S.S.S.R.,J.)

(K.R.S.,J.)

23.08.2024

SS

To

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



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S.S.SUNDAR,J.

AND

K.RAJASEKAR,J.

SS

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