



W.P.No.35098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35098 of 2023

P.Kumaran

S/o.Perumal Naidu

... Petitioner

versus

The District Registrar,
Office of the District Registrar,
Tindivanam Taluk,
Villupuram District.

.....Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to conduct an enquiry in view of the petitioner's representation dated 13.04.2023 and follow the amendment under Section 77-A of the Registration Act, 1908 within a time frame as may be fixed by this Court.

For Petitioner	:	Mr.S.Arivazhagan
For Respondent	:	Mr.A.Selvendran Special Government Pleader



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ORDER

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Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come forward with the present writ petition seeking a mandamus, directing the respondent to consider his representation dated 13.04.2023, in and by which, he sought to conduct an enquiry for cancellation of fraudulent registered Sale Deed vide Doc.No.1684/1942 under Section 77-A of the Registration Act, 1908. Since there was no response from the respondent, the present writ petition has been filed.

3. The question as to whether the amendment of Section 77-A of the Registration Act, 1908 has to be given retrospective or prospective effect is pending due to distinct decisions of two separate Benches of this Court and the said decisions have been referred to a Larger Bench, which is yet to be constituted, to decide the matter. Further, the Inspector General of



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Registration also issued a Circular dated 29.09.2023 to the Registrar and the Sub-Registrar of the Registration Department that while registering the document, the question regarding Section 77-A of the Registration Act, 1908 shall not be entertained. Therefore, the petitioner is not entitled to get any relief sought for in this writ petition. However, the petitioner is at liberty to work out his remedy in the manner known to law.

4. In view above, this Writ Petition is dismissed in-limine. There shall be no order as to costs.

02.01.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

The District Registrar,
Office of the District Registrar,
Tindivanam Taluk,
Villupuram District.

Pg.Nos.3/5



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P.VELMURUGAN, J.

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