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W.P.No.4227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.4227 of 2024

I.J.Baskaran

... Petitioner

Vs.

- 1 The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome,
Chennai 600004.
- 2 The District Registrar(Admin)
Office of the District Registrar,
New Collector Office Building,
3rd Floor B block
Navlock Bharathi Nagar,
Ranipet District - 632401.
- 3 R.Boopalan
- 4 The Branch Manager,
Union Bank of India,
Thiruparkadal Branch,
6/2 A, Thiruparkadal Road, Ranipet District.

... Respondents



W.P.No.4227 of 2024

PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 12.12.2022 and proceed in the manner known to law within a stipulated time.

For Petitioner : Mr.Ralph.V.Manohar

For R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 12.12.2022.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.



W.P.No.4227 of 2024

WEB COPY

3. Since no adverse order is passed against the private respondents, notice to the private respondents/R3 & R4 is dispensed with.

4. The subject matter of the petition falls under Section 77 -A of the Registration Act. Subsequent to the order of this Court, there is an amendment in the Registration Act and Sections 77-A and 77-B have been inserted. Subsequently, there is a divergent view regarding the maintainability/applicability and as to whether the Section was to be applied retrospectively or prospectively. Now, a Larger Bench has been constituted to answer the divergent view of the learned Single Judges of this Court. Hence, this Court has stayed the proceedings under Section 77-A of the Act and referred the matter to the Larger Bench of this Court. Since the subject matter has been seized of by the Larger Bench of this Court, this Court cannot pass any order on merits. Further the first respondent has also issued a Circular No.03 of 2023 in Letter No.36330/U1/2023 dated 29.09.2023, wherein it is stated that pursuant to the directions of this Court, all the District Registrars in Tamil Nadu



W.P.No.4227 of 2024

WEB COPY

have been directed not to take any further action on the application under Section 77-A of the Registration Act till a final decision is rendered by the Larger Bench of this Court. Since the subject matter has been seized of by the Division Bench of this Court, this Court cannot pass order on merit. The petitioner has got an alternative remedy and either he can approach the Civil Court or he shall wait for the outcome of the decision of the Larger Bench of this Court, if he is so advised.

5. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

21.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.No.4227 of 2024

To

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P.VELMURUGAN, J.

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