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W.P.No.7710 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7710 of 2023
and WMP.No.7904 of 2023

M.R.Centdilnathan

... Petitioner

vs.

1.The District Registrar,
Chengalpattu District.
2.S.Devarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the entire records from the file of the 1st respondent pertaining to the proceedings in Na.Ka.No.1143/A3/2022, dated 30.11.2022 and quash the same.

For Petitioner : Mr.S.Jaganathan

For Respondents : Mr.P.Harish
Government Advocate for R1
Mr.P.G.Kumaraguru for R2

ORDER

This writ petition is filed challenging the show cause notice issued by the first respondent directing the petitioner to appear for



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enquiry regarding the complaint filed by the second respondent seeking cancellation of Document No.3055 of 2010 registered on the file of the Sub Registrar, Cheyyur.

2. The Division Bench of this Court in ***M.Kathirvel vs. The Inspector General of Registration*** (W.P.No.10291 of 2022 etc., batch, dated 02.08.2024), while striking down Section 77A of the Registration Act observed as follows:

175. WP.[MD].Nos.14674, 7704, 8987/2023; 16445./2022; WP.Nos.10604/2020, 17719, 12480, 24805, 24610/2022 and 10858/2023.

The above writ petitions have been filed with a prayer for cancellation of documents or for cancelling registration of documents which are long before the amendment came. In view of the decision this Court had taken that Section 77-A as introduced by the amendment is unconstitutional, all the above writ petitions are dismissed as there is no scope for enquiry now under Section 77-A of the Act.



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3. In view of the above order passed by the Division Bench of this Court, striking down Section 77A of the Registration Act, which empowered the registering authority to cancel the document on the ground of fraud, as on date, there is no enabling provision empowering the registering authority namely the first respondent to cancel the registered document. Therefore, the first respondent cannot proceed with any enquiry regarding the request of the second respondent seeking cancellation of the document.

4. Recording the same, the writ petition is disposed of. However, it is open to the second respondent to workout his remedy before the Civil Court in accordance with law. The second respondent is entitled to exclude the time taken in prosecuting proceedings under Section 77A of Registration Act, while calculating limitation for filing Civil suit. No cost. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No

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Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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To
The District Registrar,
Chengalpattu District.

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