



W.P.No.957 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.957 of 2024

M.H.Shamsudeen

... Petitioner

versus

- 1.The Inspector General of Registration,
Inspector General of Registration Office,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Cuddalore Zone,
No.50, Sankara Naidu Street,
Thiruppathiripuliyur,
Cuddalore – 607 002.
- 3.The District Registrar, Chidambaram,
No.35, Lalkhan Street,
Chidambaram – 608 001.
- 4.The Sub Registrar,
Parangipettai,
No.25, Katcheri Street,
Parangipettai – 608 502.

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5.The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffar Syrang Street,
Mannady, Chennai – 600 001.

6.The Superintendent of Waqf,
Cuddalore, No.512, Gandhi Road,
Panruti, Cuddalore – 607 106.

7.Syed Sirajuddin Hussain

8.Selvapriya

9.R.Jayaraman

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to cancel the registered illegal documents i) General Power of Attorney Deed vide No.1433/2015 ii) Lease Deed No.1598/2015 on the file of the SRO, Parangipettai by considering the petitioner's representation dated 16.11.2023 to the 1st, 2nd and 3rd respondent's office under the purview of Section 77-A of Registration Act.

For Petitioner : Ms.N.Nasreen Fathima

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 to R4



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ORDER

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Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for respondents 1 to 4. Since this writ petition is being disposed of without passing any adverse orders against respondents 5 to 9, affecting their interest, notice to those respondents is dispensed with.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the third respondent to cancel the registered documents i) General Power of Attorney Deed vide No.1433/2015 ii) Lease Deed No.1598/2015 on the file of the SRO, Parangipettai by considering the petitioner's representation dated 16.11.2023 under the purview of Section 77-A of Registration Act, 1908 [hereinafter referred to as 'the Act'].

3. Heard both sides and perused the materials available on record.

4. With regard to the amendment of Section 77-A of the Act, there are divergent decisions of two separate Benches of this Court as to whether the amendment of Section 77-A of the Act, has to be given retrospective effect or prospective effect and the said decisions have been referred to a Larger

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Bench to decide the matter. Hence, the proceedings under Section 77-A of the Act, are stayed by this Court. Pursuant to the same, the Inspector General of 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 Act, shall not be entertained.

5. In the light of the above facts and circumstances, this Court is not inclined to grant any direction to the third respondent to cancel the documents under Section 77-A of the Act. Therefore, this writ petition is disposed, by granting liberty to the petitioner to work out his remedy before the competent Civil Court in the manner known to law or otherwise he has to wait till the outcome of the decision of the Larger Bench of this Court. There shall be no order as to costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

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To

1. The Inspector General of Registration,
Inspector General of Registration Office,
No.100, Santhome High Road,
Chennai – 600 028.
2. The Deputy Inspector General of Registration,
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Thiruppathiripuliyur,
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P.VELMURUGAN, J.

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