



W.P.No.1199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.1199 of 2024

Diwakar Jayaprakasam
represented by Power Agent
S.Jayaprakasam

... Petitioner

versus

- 1.The Inspector General of Registration,
Santhome, Chennai – 600 028.
- 2.The District Registrar (Chennai North),
Chennai North District Registrar Office,
1st Floor, Kuralagam Building,
NSC Bose Road, Esplanade Street,
Chennai – 600 108.
- 3.V.Dinesh
- 4.P.Madhanagopal
- 5.D.Vasanthan

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to conduct enquiry and pass orders on the complaint dated 13.12.2022 given



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by the petitioner under Section 77-A of the Registration Act, within a time frame fixed by this Court.

For Petitioner : Mr.M.R.Kuyilan
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1 and R2

ORDER

Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for respondents 1 and 2. Since this writ petition is being disposed of without passing any adverse orders against respondents 3 to 5, 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 respondents 1 and 2 herein to conduct enquiry and pass orders based on the complaint given by the petitioner, dated 13.12.2022 under Section 77-A of the Registration Act, 1908 [hereinafter referred to as 'the Act'].



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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 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 respondents 1 and 2 to conduct the enquiry 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



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the competent forum 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.

22.01.2024

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

- 1.The Inspector General of Registration,
Santhome,
Chennai – 600 028.
- 2.The District Registrar (Chennai North),
Chennai North District Registrar Office,
1st Floor, Kuralagam Building,
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