



W.P.No.1634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1634 of 2024

and

W.M.P.No.1669 of 2024

M.S.Puviyarasu

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome, Chennai – 600 004.
2. The District Registrar,
Central Chennai,
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai – 600 014.
3. The Sub Registrar,
Ashok Nagar,
No.576, Mogappair West,
Ambattur Industrial Estate,
Chennai – 600 037.
(Nolambur Combined Sub Registrar Office).
4. Venmathi Palanichamy
5. S.Manoharan
- 6.M.Gayathri

... Respondents



W.P.No.1634 of 2024

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the petition filed under Section 77A of the Registration Act dated 02.08.2023 and to pass appropriate orders and consequently to cancel the settlement deed Doc.No.2024/2022 dated 14.06.2022.

For Petitioner : Mr.R.Udaya Kumar

For R1to R3 : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the second respondent to consider the petition filed under Section 77-A of the Registration Act dated 02.08.2023 and to pass appropriate orders and consequently to cancel the settlement deed Doc.No.2024/2022 dated 14.06.2022.

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.1634 of 2024

WEB COPY

3. It is the contention of the learned counsel for the petitioner that though all the original documents and parent documents are available with the petitioner, his brother/the fifth respondent herein has forged the documents and registered the same. Hence he made an application before the second respondent under Section 77-A of the Registration Act. Since the respondents have neither called for enquiry nor given response to his application, he is constrained to file the present writ petition.

4. Since no adverse order is passed against the private respondents, notice to the private respondents/R4 to R6 is dispensed with.

5. 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



W.P.No.1634 of 2024

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. 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.

6. With the abovesaid direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



W.P.No.1634 of 2024

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W.P.No.1634 of 2024

P.VELMURUGAN, J.

mfa

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