



W.P(MD)No.10769 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10769 of 2024

Muthirulan

... Petitioner

Vs.

1.The District Registrar,
Sivagangai District,
Sivagangai.

2.Jaya Raj

3.Ramar

4.Muthu

5.Jaya Ganesh

6.Puspanathan

7.Anju Jain

8.Sanjay Mohra

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to conclude the enquiry in his proceedings No.Na.Ka.No.2694/E1/2020 dated 04.11.2020 within a time frame stipulated by this Court.



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For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1.
Mr.R.R.Kannan for R2 & R5.

ORDER

The petitioner seeks cancellation of the petition mentioned document which was registered in the year 2006. It is true that the petition for cancellation was submitted in the year 2021. That is well before the introduction of Section 77-A of the Registration Act, 1908. The learned counsel for the petitioner would state that enquiry was already completed and that order has not been passed till date.

2.Though the complaint might have been given earlier in point of time, if today the authority is to pass an order, it will be by virtue of jurisdiction conferred under Section 77-A of the Act. I have taken the view that it cannot apply retrospectively. The learned counsel for the private respondents draws my attention to the decision reported in **(2023) 2 MLJ 768 (R.Sakunthala Vs. The District Registrar (Administration), Tirunelveli District)**. But the correctness of this order is being considered by the Hon'ble Division Bench. The first respondent shall take a call in the matter



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based on the order to be passed by the Hon'ble Division Bench which is considering the reference.

3.The writ petition is disposed of accordingly. No costs.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The District Registrar,
Sivagangai District,
Sivagangai.



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G.R.SWAMINATHAN, J.

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