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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD).No.2255 of 2024

Ramaraj ... Appellant / Petitioner

Vs.

1.The Deputy Inspector of General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai - 625 107.

2.The District Registrar,
District Registrar Office,
Theni, Theni District.

3.The Sub Registrar,
Sub Registrar Office,
Andipatti, Theni District.

4.Rajasekaran ... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.(MD).No.25447 of 2023 dated 19-10-2023 on the file of this Court.

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For Appellant : Mr.R.Karunanidhi

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R1 to R3.
Mr.M.Jerin Mathew for R4.

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The prayer of the appellant before the learned Single Judge was for issuance of Writ of Mandamus, directing the respondents to cancel the registered Document No.3411/2023 on the file of the Sub Registrar, Andipatti, by invoking the powers under Section 77A of the Registration Act, 1908. The constitutional validity of Section 77A was pending consideration when the learned Single Judge had passed final orders on 19.10.2023. In view of the same, the learned Single Judge had called upon the District Registrar to keep the issue in abeyance till a final call is taken with regard to the constitutional validity of the provision and accordingly, final orders was passed on 19.10.2023. The said order is assailed in the present intra-court appeal.

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2.It is now brought to the notice of this Court that Section 77A of the Registration Act, came to be declared as unconstitutional by a coordinate bench of this Court in W.P.No.10291 of 2022, etc., batch dated 02.08.2024. As such, the District Registrar is absolved from the powers to adjudicate an application seeking for cancellation of document. Thus, no effective order can be passed in this writ appeal and hence, this writ appeal stands dismissed with liberty, to the appellant to workout his remedies before the appropriate civil forum. No costs.

(M.S.R.,J.) (A.D.M.C.,J.)
06.11.2024

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

1.The Deputy Inspector of General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai - 625 107.

2.The District Registrar,
District Registrar Office,
Theni, Theni District.

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and
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3.The Sub Registrar,
Sub Registrar Office,
Andipatti, Theni District.

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