



W.P.(MD)No.25434 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25434 of 2024

Gopala Praveen

: Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Palayamkottai,
Tirunelveli District.

2.The Sub-Registrar,
Sub-Registrar Office,
Valliyoor,
Tirunelveli District.

3.Thilagaraj

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records on the file of the first respondent in proceedings in Na.Ka.No.2205/E5/2023 dated 14.06.2023, quashing the same as illegal, unconstitutional and arbitrary.



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For Petitioner : Mr.R.Sathesh Kumar
For Respondents 1&2 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has challenged the show cause notice dated 14.06.2023, issued by the first respondent under Section 77-A of “the Registration Act, 1908” [hereinafter, “the Act” for brevity].

2.The Division Bench of this Court by its recent order has held Section 77-A of the Act as unconstitutional. Therefore, the first respondent is not empowered to exercise any power based on Section 77-A of the Act but however, despite the same, the impugned show cause notice has been issued by exercising the powers under Section 77-A of the Act.

3.In view of the fact that Section 77-A of the Act has been held to be unconstitutional, the impugned show cause notice dated 14.06.2023 has to be quashed and this Writ Petition will have to be allowed.



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4. Accordingly, the impugned show cause notice dated 14.06.2023, issued by the first respondent is hereby quashed and this Writ Petition is allowed. There shall be no order as to costs.

25.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The District Registrar,
District Registration Office,
Palayamkottai,
Tirunelveli District.

2.The Sub-Registrar,
Sub-Registrar Office,
Valliyoor,
Tirunelveli District.



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ABDUL QUDDHOSE, J.

MR

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