



Writ Petition No.5080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5080 of 2025

and

W.M.P.Nos.5643 & 5644 of 2025

1. KALAIYARASI

W/o Dayalan

No 163/175,

Dr. Ambedkar College Road,

Pattalam, Perambur Barracks

Chennai 600 012.

2.Meena Kumar

W/o Kuppusamy

No 5/3 Devaraj Street Pattalam

Perambur Barracks,

Chennai 600 012.

3.G. Kumudha

W/o Ganesan

No 155, 4/372, 4th Cross Street,

Rajaji Nagar, Madipakkam

Chennai 600 091.

4.P. Premalatha

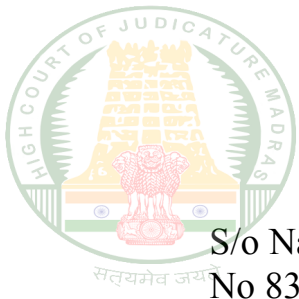
W/o Pandarinathan

No 1,5th Street, Thiruvalluvar

Nagar Keezhkattalai, Old

Pallavaram Chennai 600 117.

5.A.N. Baskaran



Writ Petition No.5080 of 2025

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S/o Nagalingam
No 83/177, 2nd Floor S1,
Balaji Apartment Dr Ambedkar
College Road Pattalam,
Perambur Barracks,
Chennai 600 012.

Petitioner(s)

Vs

1. The Inspector General Of
Registration
Registration Department,
No 100 Santhome High Road,
Chennai 600 028.

2.The District Registrar (south)
Registration Department
Integrated Building For Officers and
the Commercial Taxes and
Registration Department,
Fanepet, Nandanam
Chennai 600 035.

3.Pramila Jacob
D/o Mr. Thomas George Handi
No 127, Harrington Road,
Shenoy Nagar, Chennai 600 030.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for records of the 2nd Respondent in Letter No.21718/C2/2022 dated 24.03.2023 cancelling the registered partition Deed dated 29.12.2020 standing in favour of petitioners and to quash the same.



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Writ Petition No.5080 of 2025

For Petitioners : Mr.M.V.Seshachari
For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 and R2
Ms.Lita Srinivasan, for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 24.03.2023 cancelling the partition deed dated 29.12.2020.

2. Heard Mr.M.V.Seshachari, learned counsel for the petitioner, Mr.U.Baranidharan, learned Special Government Pleader for R1 and R2 and Ms.Lita Srinivasan, learned counsel for R3.

3. The limited issue that is involved in the present writ petition pertains to the order passed by the second respondent in exercise of power under Section 77-A of the Registration Act. This provision has been held to be unconstitutional by Hon'ble Division Bench in ***M.Kathirvel Vs. The Inspector General of Registration Department of Registration and Others*** reported in **2024 4 CTC 769**. In view of the same, the order dated 24.03.2023 passed by the second respondent becomes non-est in the eye of law.

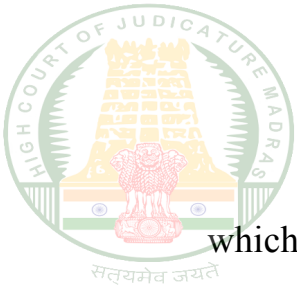


Writ Petition No.5080 of 2025

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4. The learned counsel appearing on behalf of the third respondent submitted that the petitioners have already filed a substantive suit in O.S.No.442 of 2023 before the Additional District Judge, Chengalpet and sought for the relief of declaration of title and permanent injunction and the cause of action for the said suit is the order that was passed by the second respondent dated 24.03.2023. Therefore, it was contended that the petitioners are questioning the order passed by the second respondent both in the pending suit as well as in the present writ petition. The learned counsel for the third respondent further submitted that an application has been moved in the pending suit under Order VII Rule 11 of CPC for rejection of the plaint and the said application has been heard and it is posted for orders today.

5. It is made clear that insofar as the pending suit is concerned, where the application has been filed for rejection of the plaint, the same shall be dealt with independently and this order will not have any bearing in the pending suit or in any of the applications that have been filed in the pending suit. This order will confine itself only to the power and jurisdiction of the second respondent in passing the impugned order in exercise of powers conferred under Section 77-A of the Registration Act



Writ Petition No.5080 of 2025

which has already been held to be unconstitutional. Therefore, by virtue of interfering with the order passed by the second respondent, it will have no bearing in the pending suit and the application that has been filed by the third respondent seeking for rejection of the plaint. Once this clarification is given, it sufficiently takes care of the grievance expressed on the side of the third respondent.

In the result, the Writ Petition is allowed with the above directions. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.03.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Inspector General Of Registration
Registration Department, No 100 Santhome
High Road, Chennai 600 028.

2. The District Registrar (south)
Registration Department Integrated Building
For Officers And The Commercial Taxes And
Registration Department, Fancepet,



Writ Petition No.5080 of 2025

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N.ANAND VENKATESH, J

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Writ Petition No.5080 of 2025

26.03.2025

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