



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.4439 of 2025
and WMP No.4949 of 2025

Sivarajkumar

.... Petitioner

-Vs-

1.The Inspector General of Registration
Santhome High Road
Chennai.

2.The District Registrar (Administration)
Office of the District Registrar
Tiruppur.

3.The Sub Registrar (Joint No.1)
Tiruppur
Tiruppur District.

4.The Sub Registrar
Palladam
Tiruppur District.

5.Kulandaisamu

6.Balasubramani

7.Kavitha

8.Ramasamy



9.Peechiammal

10.Krishnaveni

11.Pushpavalli

12.Selvaraj

13.Selvam

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of impugned order dated 13.6.2023 in proceedings in Na Ka.Nio.4292/Aa5/2022 on the file of 2nd respondent and quash the same.

For Petitioner : Mr.B.Dharani

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R4

for R5 & R6 no appearance

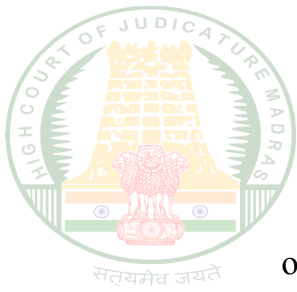
for R7 to R12 no such person

R 13 - died

ORDER

This writ petition was filed challenging the proceedings of the 2nd respondent dated 13.06.2023.

2.When the writ petition came up for admission on 14.2.2025, this Court passed the following order:



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This writ petition has been filed challenging the proceedings of the second respondent dated 13.06.2023 wherein the second respondent has exercised his power and jurisdiction under Section 77-A of the Registration Act and cancelled the documents.

2. Heard Mr.B.Dharani, learned counsel for petitioner and Mr.Abishekmurthy, learned Government Advocate appearing for respondents 1 to 4.

3. It is not necessary for this Court to go into the various issues raised by the learned counsel for the petitioner. It will suffice to take note of the judgment of the Division Bench of this Court in M.Kathirvel and others v. Inspector General of Registration [2024 (4) CTC 769] wherein Section 77-A has been struck down as unconstitutional. In view of the same, the proceedings of the second respondent dated 13.06.2023 is nonest in the eye of law and the same has to be interfered on that ground alone.

4. Since the order has been passed by the second respondent based on the application submitted by respondents 5 to 13, the order has to be quashed after giving them notice.

5. Mr.Abishekmurthy, learned Government Advocate, takes notice for respondents 1 to 4.

6. Notice to respondents 5 to 13 returnable by 28.02.2025. Private notice is also permitted.

Post on 28.02.2025 at the end of the motion list.

3.Pursuant to the above order, the learned counsel for the petitioner has taken private notice to R5 and R6 and they have been served and their names have been printed in



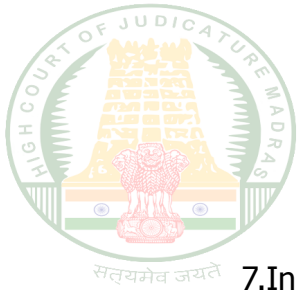
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the cause list. There is no appearance either in person or through counsel. Insofar as R7 to R12, notice sent has been returned with an endorsement "unclaimed". Insofar as notice sent to R13 it has been returned with an endorsement "died".

4. On going through the impugned proceedings, it is seen that the impugned Order was passed by the 2nd respondent only based on the complaint/representation made by the 5th and 6th respondents along with the 7th respondent. Since the 5th and 6th respondents have been served, this Court proceeds to pass the order on merits.

5. Heard Mr.B.Dharani, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for R1 to R4.

6. As stated in the order passed on 14.02.2025, the impugned proceedings of the 2nd respondent dated 13.06.2023 becomes non-est in the eye of law. Therefore, it is declared that the proceedings of the 2nd respondent dated 13.06.2023 made in Na.Ka.No.4292/Aa5/2022, is non-est and as a consequence, the documents that were cancelled by virtue of this order will stand revived. It will be left open to the private respondents to agitate their right before the competent Civil Court in accordance with law.



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7. In the result, this writ petition is allowed in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

21.03.2025

Index : Yes/No

NCS : Yes/No

KP

To

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N.ANAND VENKATESH, J.

KP

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