



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.3047 of 2025

Mrs.K.Swetha

... Petitioner

Vs.

1. Inspector General of Registration,
Santhome, Mylapore,
Chennai – 28.
2. Deputy Inspector General of Registration,
Combined Buildings,
Kamaraj Nagar Colony,
Ammappettai, Salem – 636 014.
3. The District Registrar,
District Registrar Office,
Krishnagiri – 635 001.
4. The Sub-Registrar,
Hosur Sub-Registrar Office,
Hosur – 635 109,
Krishnagiri District.
5. Bharath
6. Veerabadrappa
7. Sujathamma
8. Shilpa



9. Thiagaraj @Deveraj

10. Murali

11. Ruba

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the impugned proceedings dated 30.06.2023 having reference No.Na.Ka.No.8394/U/2021 passed by the third respondent, quash the same and consequently direct the fourth respondent to restore the power of attorney dated 25.10.2012 registered as Doc.No.1152/2012 and Sale Deed dated 23.02.2015 bearing Doc.No.2757 of 2015 and remove the entried made in the Schedule II.

For Petitioner : M/s.R.Divyapreathika
for Mr.R.Bharath Kumar

For R1 to R4 : Mr.U.Baranidharan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings dated 30.06.2023 passed by the third respondent and for a consequential direction to the fourth respondent to restore the power of attorney document dated 25.10.2012 and the sale deed dated 23.02.2015 registered as Document Nos.1152 of 2012 and 2757 of 2015 respectively.



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2. When the writ petition came up for hearing on 03.02.2025, this court passed the following order:-

“Mr.M.Shahjahan, learned Special Government Pleader, takes notice for respondents 1 to 4. Notice to the 5th respondent returnable by 17.02.2025. Private notice is also permitted.

*2. The subject matter of the writ petition pertains to the impunged order passed by the District Registrar dated 30.06.2023 exercising powers under Section 77A of the Tamil Nadu Registration Act and cancelling the document executed in favour of the petitioner and also the power deed that was executed in favour of the 6th respondent. The issue is no longer res integra and it is covered by the judgement of the Division Bench in **[M.Kathiravel Vs. Inspector General of Registration and others]** reported in **2024 4 Law Weekly 110** and also the judgement in **[G.Rajasulochana Vs. Inspector General of Registration and others]** reported in **2024 3 CTC 113**.*



3. *Post on 17.02.2025 under the caption
“for orders”*

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3. Pursuant to the above order, notice was sent to the fifth respondent and it has been returned. The notice was sent to the address that was furnished by the fifth respondent and which is found in the impugned proceedings dated 30.06.2023.

4. Heard M/s.R.Divyapreathika, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing for the respondents 1 to 4.

5. In the considered view of this court, the impugned proceedings of the District Registrar dated 30.06.2023 is unsustainable in view of the fact that Section 77-A of the Tamil Nadu Registration Act has been held to be unconstitutional by the Division Bench. Therefore, the order becomes *non-est* in the eye of law. As a consequence, the earlier documents which were cancelled viz., the power of attorney and the sale deed will stand restored. If at all the private respondents have any grievance, they should work out their remedy only before the competent civil court.



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6. In the result, this writ petition is allowed in the above terms. No

costs.

19.02.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. Inspector General of Registration,
Santhome, Mylapore, Chennai – 28.
2. Deputy Inspector General of Registration,
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N. ANAND VENKATESH, J.

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