



Writ Petition No.5784 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5784 of 2025

and

W.M.P.No.6360 of 2025

G.Paramashiva
S/o.Gopal Gounder, No.61/1, Pvr
Greens Layout, Singena Agrahara
Road, Behind Fruit Marker,
Electronic City Phase II, Bangalore
560100.

Petitioner

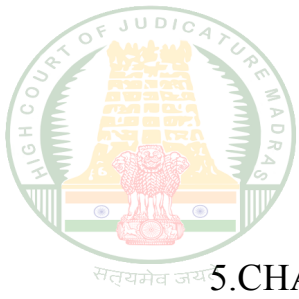
Vs

1. Inspector General Of Registration
Santhome, Mylapore, Chennai 28.

2. Deputy Inspector General Of
Registration
Combined Buildings, Kamarajar
Colony, Ammapettai, Salem
636014.

3. The District Registrar
District Registrar Office,
Krishnagiri 635001.

4. The Sub-registrar
Office of The Sub-registrar,
Shoolagiri 635117, Krishnagiri
District.



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5.CHANDRAPPA

S/o.Venkatappa, S.Thattanapalli
Village, Mugukurukki Post,
Shoolagiri 635117, Krishnagiri
District.

Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarfiied Mandamus calling for the records relating to the impugned proceedings dated 22.06.2023 having reference No.Na.Ka.No.7008/U/2022 passed by the 3rd respondent, quash the same and consequently, direct the 4th respondent to restore the Gift-Settlement Deed dated 18.08.2009 registered as Doc.No.2138/2009 and Sale Deed dated 21.06.2013 registered as Doc.No.2436/2013 and remove the entires made in the Schedule II.

For Petitioner	:	Mr.K.Rajkumar for Mr.R.Bharath Kumar
For Respondent	:	Mr.U.Bharanidharan Special Government Pleader for R1 to R4 Mr.P.Satheesh Kumar, for R5

ORDER

The writ petition has been filed challenging the proceedings of third respondent dated 22.06.2023 and for consequential direction to the fourth respondent to restore the settlement deed dated 18.08.2009 and



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sale deed dated 21.06.2013 by incorporating necessary entries in the encumbrance register.

2. Heard Mr.K.Rajkumar, learned counsel for petitioner, Mr.U.Baranidharan, learned Special Government Pleader for R1 to R4 and Mr.P.Satheeshkumar, learned counsel for R5.

3. The subject matter of the present writ petition pertains to an order passed under Section 77-A of the Registration Act by the third respondent wherein, gift - settlement deed dated 18.08.2009 and sale deed dated 21.06.2013 were cancelled.

4. This Court has declared that Section 77-A of the Registration Act is unconstitutional in *M.Kathirvel Vs. The Inspector General of Registration Department of Registration and Others* reported in 2024 4 CTC 769.

5. In view of the same, the order passed by the third respondent dated 22.06.2023, is non-est in the eye of law. As a consequence, the documents that were cancelled will stand restored. It is left open to the



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fifth respondent to independently proceed further before competent Civil Court by challenging relevant documents and the time that has been spent by the fifth respondent before the third respondent and before this Court shall be accounted under Section 14 of the Limitation Act and the limitation shall be calculated accordingly. On such suit being filed, it is left open to parties to raise all the grounds which will be considered on its own merits and in accordance with law.

In the result, this Writ Petition stands allowed in the above terms. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.03.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To



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N.ANAND VENKATESH, J

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