



Writ Petition No.6941 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.6941 of 2025

and

W.M.P.Nos.7656 & 7658 of 2025

PURUSHOTHAMAN

S/o.Anandhan, Alias Anandhan
Naidu, No.126/75,Perumalkovil
Street, Monnavedu, Thriuvallur

Petitioner

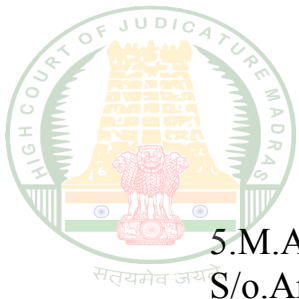
Vs

1. The Inspector General Of
Registration
Santhome, High Road, Chennai-600
0028

2.The Administrative Registrar
Kancheepuram District,
Kancheepuram

3.The Joint Sub Registrar
Thiruvallur

4.M.S.Anandan Alias Venkataraman
S/o.M.P.Seenivasan, No.157/2
Reddy Street, Meyyur Village,
Uthukottai Taluk, Thiruvallur
District



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5.M.A.Subramaniam
S/o.Arumugachettiar, No.72,
Sampath Nagar, Near Pillaiyarkovil,
Chinna Eakaadu, Thiruvallur

6.M.A.Sampath Kumar
S/o.Arumuga Chettiar, No.33,
Thahinikottai Street, Thiruvallur
Town, Thiruvallur District

7.M.A.Mahalingam
S/o.Arumugachettiar, No.23,
V.M.Nagar, Thiruvallur Town,
Thiruvallur-602 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarfiied Mandamus to call for the records pertaining to the order of the 2nd respondent dated 23.6.2020 vide his proceedings in Na.Ka.1256/R2/2020 and to quash the same as erroneous, arbitrary and unsustainable in the eye of law and consequentially direct the respondents No.3 herein not to enter any instruments on his file under Indian Registration act for the property situated in S.No.189 to an extent of 0.93 cents at Monnavedu village Tiruvallur Taluk, Thiruvallur District and consequentially to restore the validity of the sale deed dated 24.10.1984 vide document No.2794/1984

For Petitioner	:	Mr.C.Ramaraj
For Respondent	:	Mr.P.Harish Government Advocate for R1 to R3



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ORDER

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The writ petition has been filed challenging the proceedings of the second respondent dated 23.06.2020 and for a consequential direction to the third respondent not to entertain any documents for registration pertaining to the subject property and to restore the sale deed dated 24.10.1984 which stood in the name of the petitioner's father.

2. Heard Mr.C.Ramaraj, learned counsel for petitioner and Mr.P.Harish, learned Government Advocate for respondents 1 to 3.

3. It is seen from the records that the seventh respondent had already filed a writ petition in W.P.No.15246 of 2020 challenging the very same proceedings of the second respondent dated 23.06.2020. This Court, by an order dated 05.04.2024 set aside the order passed by the second respondent and allowed the writ petition.

4. The learned Counsel for the petitioner submitted that the petitioner has filed an independent writ petition since the sale deed that stood in the name of the petitioner's father was also cancelled in the very same proceedings by the second respondent. Learned counsel further submitted that a substantial suit has already been filed in O.S.No.92 of 2023 which is pending on the file of the District Munsif Court,



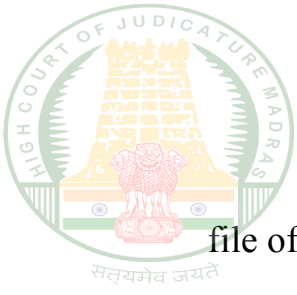
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Tiruvallur, seeking for a declaration to declare the settlement deeds dated 24.12.2013 and sale deed dated 06.08.2020 as null and void and for permanent injunction. This suit was filed as against the fourth respondent and his sisters.

5. In the considered view of this Court, the order passed by the second respondent dated 23.06.2020 is non-est in the eye of law in view of the judgment of Hon'ble Division Bench in ***M.Kathirvel Vs. The Inspector General of Registration Department of Registration and Others*** reported in **2024 4 CTC 769**, wherein the Hon'ble Division Bench has held that Section 77-A of the Registration Act is unconstitutional. Hon'ble Division Bench, while dealing with the issue, has also touched upon the power that is available under Section 68(2) of Registration Act and a circular that has been issued thereunder was also declared as unconstitutional.

6. Therefore, once this Court has set aside the order passed by the second respondent dated 23.06.2020, it must be construed that the said order is no more *res integra* and will enure in favour of the petitioner also.

7. Since the petitioner has already approached the competent Civil Court and has filed the suit pending in O.S.No.92 of 2023 on the



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file of District Munsif Court, Tiruvallur, it is left open to parties to agitate their rights in the pending suit and the same will be dealt with on its own merits and in accordance with law.

The Writ Petition is disposed of in the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

17.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order

mk

To

1. The Inspector General Of
Registration
Santhome, High Road, Chennai-600
0028

2.The Administrative Registrar
Kancheepuram District,
Kancheepuram

3.The Joint Sub Registrar
Thiruvallur



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N.ANAND VENKATESH, J

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