



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

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CORAM :

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

Writ Petition No.7962 of 2025  
and WMP Nos.8944 & 8945 of 2025

Dhandapani

.... Petitioner

-Vs-

1.The Inspector General of Registration  
No.100, Santhome High Road  
Pattinapakkam  
Chennai 600 028.

2.The District Registrar (Administration)  
Tiruvannamalai  
Tiruvannamalai District.

3.The Sub Registrar  
Kilpennathur  
Tiruvannamalai District.

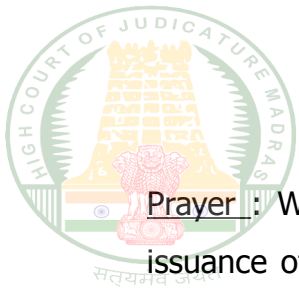
4.Renugambal

5.Uma Kalyani

6.Jothi Shanmuga Sundaram

7.Kuppusamy

.. 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 entire records pertaining to the order made in Pa.Ma.No.4100/E/2022 dated 25.04.2023 passed by the 2<sup>nd</sup> respondent purportedly issued under Section 77A of the Registration Act and quash the same.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.K.Karthick Jgannath  
Government Advocate  
for R1 to R3

### ORDER

This writ petition has been filed challenging the impugned proceedings of the 2<sup>nd</sup> respondent dated 25.04.2023, whereby the sale deed executed by the 6<sup>th</sup> respondent in favour of the petitioner dated 06.05.2014 was cancelled.

2.When the matter came up for hearing on 11.03.2025, this Court passed the following order:

Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of respondents 1 to 3.

2.Notice to respondents 4 to 7, returnable by 08.04.2025.  
Private notice is also permitted.

3.The issue involved in the present case pertains to the order passed by the 2<sup>nd</sup> respondent dated 25.04.2023 under Section 77-A of the Registration Act. This provision has already



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been struck down by the Division Bench of this Court in *M.Kathirvel vs. The Inspector General of Registration, Department of Registration and others* reported in 2024 4 CTC 769. Hence, post this writ petition at the end of the motion list on 08.04.2025. There shall be an order of interim stay till then.

3.Heard Mr.K.Kathiresan, learned counsel for the petitioner and Mr.K.Karthick Jgannath, learned Government Advocate for R1 to R3. The learned counsel for the private respondents submitted that the 6<sup>th</sup> respondent is none other than the husband of the 4<sup>th</sup> respondent and father of the 5<sup>th</sup> respondent.

4.The learned counsel appearing on behalf of the private respondents submitted that the sale deed that was executed by the 6<sup>th</sup> respondent in favour of the petitioner is unsustainable since the 6<sup>th</sup> respondent was given only a life interest in the property.

5.It will not be appropriate for this Court to go into the merits of the case since what has been put to challenge is the order passed by the 2<sup>nd</sup> respondent dated 25.04.2023 in exercise of power under Section 77-A of the Registration Act. This provision has been held to be unconstitutional by the Division Bench of this Court in *M.Kathirvel vs. The Inspector General of Registration*, reported in 2024 (4) CTC 769. In view of the same, the impugned order passed by the 2<sup>nd</sup> respondent dated



25.04.2023, becomes non-est in the eye of law. Accordingly, the impugned proceedings of the 2<sup>nd</sup> respondent dated 25.04.2023, is hereby quashed.

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6.If the private respondents consider that the sale deed is a fraudulent document, it is always open to them to question the same even by way of filing a writ petition since the power vested under Article 226 of the Constitution of India has not been taken away and in fact, it is reiterated by the Division Bench in the above judgement.

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

08.04.2025

Index : Yes/No  
NCS : Yes/No  
KP



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To

- 1.The Inspector General of Registration  
No.100, Santhome High Road  
Pattinapakkam, Chennai 600 028.
- 2.The District Registrar (Administration)  
Tiruvannamalai  
Tiruvannamalai District.
- 3.The Sub Registrar  
Kilpennathur  
Tiruvannamalai District.



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**N.ANAND VENKATESH, J.**

KP

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