



WEB COPY WP NO. 9412 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP NO. 9412 of 2025 &
WMP.Nos.10571 & 10572 OF 2025**

M.Brammamoorthy
S/o.R.Mariappan,
No.7-1/159 Pattappan Koil Street,
Elampillai Village,
Salem District

Petitioner(s)

Vs

1. The District Registrar (Administration)
Salem West/the Assistant Inspector General
of Registration, (incharge Additionally),
Office Of The District Registrar, Salem
2. The Sub Registrar
Magudanchavadi Sub Registrar Office,
Magudanchavadi, Sankari Taluk,
Salem District
3. G.Ravichandran
S/o.Govindarajan,
No.7/25, Bharathidasan Nagar,
Adambakkam, Chennai-600 088
4. R.Nithin Bharath
S/o.G.Ravichandran, No.7/25,
Bharathidasan Nagar,
Adambakkam, Chennai-600 088

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the entire records pertains to the impugned order of the 1st respondent dated 19.9.2023 vide Na.Ka.4816/E4/2021 dated 19.9.2023 and quash the same

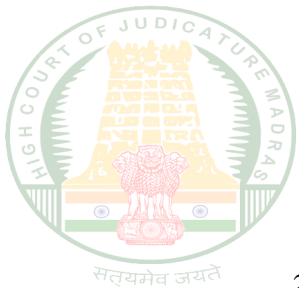
For Petitioner(s): Mr. J. Ramakrishnan

For Respondent(s): Mr.U.Baranidharan, Spl. Govt. Pleader
for R1 and R2
Mr. S.Krishnasamy,
for R3 and R4

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the Respondents 3 and 4 is dispensed with.

2. The present Writ Petition is filed praying for issuance of writ of certiorari challenging the impugned order dated 19.09.2023, vide Na.Ka.4816/E4/2021, whereby, the Release Deed dated 28.08.2002, bearing Doc.No.1582 of 2002 and the subsequent Sale Deed dated 03.10.2002 bearing Doc.No.1920 of 2002 executed in favour of respondents 3 and 4 have been cancelled.



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3. At the outset, it is submitted by the learned counsel for the petitioner that section 77-A of the Registration Act has been found by the order passed by the Division Bench of this Court in the case of ***M.Kathirvel v. Inspector General of Registration*** reported in ***(2024) 4 CTC 769*** to be *ultra vires* and thus, any proceeding invoking the said provision cannot be sustained.

4. The relevant portion of the order of the Division Bench is extracted hereunder:

'178. Section 68(2) of Registration Act was interpreted to confer power on the District Registrar to cancel the document for irregularities in registration. As this Court has already held that Section 77-A of the Act is unconstitutional as it is contrary to the object of the Act, any circular or order or direction enabling the District Registrar or Registering Officer to cancel registration or invalidating any transaction is unconstitutional and hence, the impugned Circular, dated 8.11.2017 is declared as unconstitutional. The Writ Petition stands allowed.'

5. In view thereof, the impugned order is set aside. It is open to the aggrieved party to approach the competent Civil Court to work out its remedy in the manner known to law.



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6. The Writ Petition is disposed of accordingly. No costs.

Consequently, the connected miscellaneous petitions are closed.

msr

10-06-2025

Index:yes/no

Internet:yes/no

To

1. The District Registrar (administration)
Salem West/the Assistant Inspector General Of Registration(incharge
Additionally), Office Of The District Registrar, Salem

2. The Sub Registrar
Magudanchavadi Sub Registrar Office,
Magudanchavadi, Sankari Taluk, Salem District



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MOHAMMED SHAFFIQ, J.

msr

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