



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-10-2025**

CORAM

**THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY**

**WP No. 19113 of 2025**

**AND**

**WMP NO. 21409 OF 2025**

Sankar,  
S/o. Senthamarai Gounder,  
No. 84/1, Padasalai Street,  
Narerikupam Village,  
Rettanai Madurai, Tindivanam Taluk,  
Villupuram District 604 302.

Petitioner(s)

Vs

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

2.The District Registrar (Administration),  
O/o. The Tindivanam Registration District,  
Tindivanam, Vilupuram District.

3.The Sub Registrar,  
O/o.The Vallam Sub Registration,  
Vallam, Tindivanam Taluk, Vilupuram District 604 206.



4.Sumathi,  
W/o. Sivabalan,  
No. 51, Gengai Amman Koil Street, Muppuli Village,  
Tindivanam Taluk, Vilupuram District 604 302.

5.Paneerselvam,  
S/o. Krishna Goundar, Periya Muthaliyar Chavadi,  
Kottakkupam Vanur Taluk, Villupuram District 605 101.

Respondent(s)

**PRAYER:-**Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings dated 20.02.2023 vide Na.Ka Number 4251/A3/2022, (ந,க,எண்,4251/ஆ3/2022) quash the same and consequently direct the 1st and 2nd respondent to restore the sale deed registered as Document No. 2214/2010 dated 22.05.2010 on the file of the 3<sup>rd</sup> respondent, to be on file for every legal flow of right based on the said documents by cancelling the encumbrance, endorsement in pursuant to impugned proceedings.

For Petitioner(s): Mr.V.Manohar  
for Mr.B.R.Sivasubramaniam

For Respondent(s): Mr.U.Baranidharan,  
Special Government Pleader  
For R1 To R3  
No Appearance for R4 & R5



## ORDER

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This writ petition has been filed by the petitioner seeking to call for the records pertaining to the impugned proceedings dated 20.02.2023 vide Na.Ka number 4251/A3/2022, (ந,க,எண்,4251/ஆ3/2022) and to quash the same and consequently direct the respondents 1 & 2, to restore the sale deed registered as Document No. 2214/2010 dated 22.05.2010 on the file of the 3<sup>rd</sup> respondent.

2.Learned counsel for the petitioner would submit that by invoking the provision under Section 77-A of the Registration Act, 1908, the impugned cancellation order dated 20.02.2023 was passed. However, this Court in the case of *M.Kathirvel vs. The Inspector General of Registration Department and others* reported in **2024 (4) CTC 769**, has struck down Section 77-A and 68(2) of the Registration Act. Therefore, any orders passed under Section 77-A has become null and void and the same is liable to be set aside.



3.Learned Special Government Pleader appearing for the respondents 1 to 3 acceded the submissions made by the learned counsel for the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 3.

5.Though notice was served on the 4<sup>th</sup> respondent and her name is printed in the cause lists, none appeared on behalf of the 4<sup>th</sup> respondent. As far as the 5<sup>th</sup> respondent is concerned, the private notice has been served and Proof of Service has been filed to that effect and the notice sent through Court has been returned as “unclaimed”, which deemed to be served. However, none appeared on behalf of the 5<sup>th</sup> respondent.

6.In such view of the matter, since the provision under Section 77-A of the Registration Act, 1908, being struck down by this Court as unconstitutional in the case of *M.Kathirvel vs. The Inspector General of Registration Department and others* reported in **2024 (4) CTC 769**, any order passed by



invoking Section 77-A of the Registration Act, 1908, has to be set aside.

Accordingly, the impugned order dated 20.02.2023 passed by the 2<sup>nd</sup> respondent is set aside. While setting aside the impugned order dated 20.02.2023, the parties are granted liberty to agitate their issue before the appropriate Civil Court, if so desired.

7. With the above observation, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

**25-10-2025**

(<sup>1</sup>/<sub>2</sub>)

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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

2.The District Registrar Administration,  
O/o.The Tindivanam Registration District,  
Tindivanam, Villupuram District.

3.The Sub Registrar,  
O/o.The Vallam Sub Registration,  
Vallam Tindivanam Taluk,  
Villupuram District 604 206.



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**KRISHNAN RAMASAMY J.**

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