



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2025

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Coram:
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.18224 of 2024

Vimala Paramanandam

...Petitioner

Versus

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam, Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Chennai Zone,
Nandanam, Chennai – 600 035.
- 3.The District Registrar (Administration),
North Chennai,
Kuralagam, 1st Floor,
Chennai – 600 108.
- 4.The Sub Registrar,
Konnur,
No.2, Gopala Swamy Street,
Ambattur, Chennai – 600 053.
- 5.D.Prithiviraj
- 6.P.Nirmala

(R6 was impleaded vide Order dated 21.07.2025 made in W.M.P.No.15500 of 2025 in W.P.No.18224 of 2024)

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records related to order passed by 2nd respondent in Na.Ka.No.4683/A1/2021 dated 21.10.2022, confirming the order passed by 3rd respondent in Letter No.10678/A5/2021 dated 15.11.2021 and quash the same and subsequently, direct the 4th respondent to restore the entry pertaining to the Settlement Deed dated 30.11.2018 registered as Document No.5940 of 2018.

For Petitioner	:	Mr.D.Suriyanarayanan
For Respondents – 1 to 4:		Mr.U.Baranidharan, Special Government Pleader
For Respondent – 5	:	Mr.M.V.Seshachari
For Respondent – 6	:	Mr.W.M.Abdul Majeed

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought in this writ petition is to quash the Order dated 21.10.2022 bearing Na.Ka.No.4683/A1/2021 passed by 2nd respondent, confirming the Order dated 15.11.2021 bearing Letter No.10678/A5/2021 passed by 3rd respondent and to direct the 4th respondent to restore the entry pertaining to the Settlement Deed dated 30.11.2018 registered as Document No.5940 of 2018.

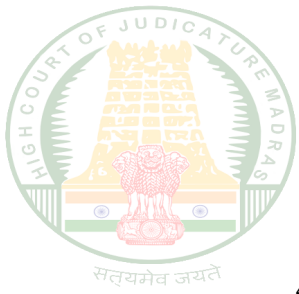


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3. The learned counsel for the petitioner submitted that the impugned order is passed by 2nd respondent invoking Section 77A of the Registration Act, 1908. He further submitted that in Judgment dated 20.03.2024 passed by a Division Bench of this Court in W.A.No.3391 of 2023, it has been held that Section 77A of the Registration Act, 1908 is ultra vires cannot have retrospective effect. For better appreciation, relevant portion of the said judgment is extracted hereunder:

“15. the Court has to form an opinion that in respect of the documents falling under Section 22-B of the Act, if sought to be cancelled, then the Registrar is empowered to cancel the documents under Section 77-A of the Act. In respect of other documents registered prior to the amendment, one has to understand that those documents are to be dealt in accordance with the law prevailing at the time of registration by approaching the Civil Court of law. When all those documents registered prior to the amendment of the year 2022 are subjected to Section 77-A of the Act, then this Court is afraid that an anomalous situation would be created by approaching the District Registrar for the purpose of adjudication of disputed issues with reference to those documents registered several years back. The amendment effected from 16.08.2022 has not intended to do so nor the provision expressly provides any such retrospective application. Prior to amendment, Section 22-A and Section 22-B was not in force. Thus, Section 77-A cannot have retrospective effect. In other words, Section 77-A must be read in conjunction with Section 22-A and Section 22-B of the Act. Insertion of all these three Sections are to be understood holistically to avoid any inordinance.”

Therefore, the learned counsel for the petitioner submitted that the impugned order passed by 2nd respondent is liable to be quashed.



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4. As far as this case is concerned, this Court is of the opinion that there is merit in the submissions made by the learned counsel for the petitioner. Hence, this Writ Petition is partly allowed and the impugned order dated 21.10.2022 passed by 2nd respondent is quashed. It is open to the parties to work out their remedies in the manner known to law, if they are aggrieved. No costs.

29.08.2025

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Index : Yes/No

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MOHAMMED SHAFFIQ, J.

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