

W.P. No.20311 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.20311 of 2024

and

W.M.P.No.22245 of 2024

T.Palanisamy

... Petitioner

Vs.

1. The Additional Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai 600 028.
2. Deputy Inspector General of Registration,
Deputy Inspector General of Registration Office,
Red Fields, Airforce Administrative College Opp.,
Coimbatore 641 018.
3. The District Registrar,
DR Office Compund,
Rangampalayam, Erode 638 009.
4. Sub-Registrar,
Sub Registrar Office,
Kangeyam Main Road,
Avalpoondurai, Erode 638 115.
5. Revenue Divisional Officer,
Revenue Divisional Office,
Chidambaram Colony,
Erode 638 001.



W.P. No.20311 of 2024

6. P.Santhamani

WEB COPY

7. The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Commercial Taxes and Registration,
Chennai 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in respect of the proceedings Na.Ka.177/A2/2022 dated 12.05.2022 on the file of the 2nd respondent in respect of proceedings in Na.Ka.No.2678/E2/2022 dated 06.12.2023 and on the file of the 1st respondent in respect of his Letter No.1859/U6/2024 dated 22.04.2024 and quash the same and consequently direct the 7th respondent to initiate appropriate crimination proceedings against the then concerned incumbents of the respondents.

For Petitioner(s) : Mr.L.Sathyaraj

For R1 to R5 and R7 : Mr.U.Baranidharan
Special Government Pleader

For R6 : Mr.G.Thyagarajan

ORDER

The present writ petition is filed praying for a writ of certiorarified mandamus, to quash the proceedings in Na.Ka.177/A2/2022 dated 12.05.2022 passed by the 3rd respondent, proceedings in Na.Ka.No.2678/E2/2022 dated 06.12.2023 passed by the 2nd respondent and Letter No.1859/U6/2024 dated



W.P. No.20311 of 2024

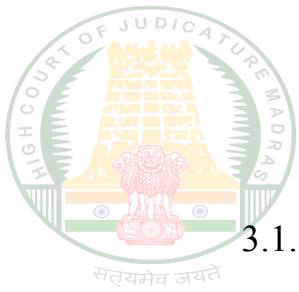
22.04.2024 on the file of the 1st respondent.

WEB COPY

2. It is submitted by the learned counsel for the petitioner that the 2nd limb of the prayer viz., direction to the 7th respondent to initiate appropriate criminal action against the then concerned incumbents of the respondent is not being pressed. He has also made an endorsement to that effect.

3. Insofar as the 1st limb of the prayer, it is submitted by the learned counsel for the petitioner that the impugned proceedings are passed invoking Section 68(2) of the Registration Act, 1908. The learned counsel would further submit that insofar as scope Section 68(2) of the Registration Act is concerned the Division Bench of this Court in the case of Kathirvel Vs. Inspector General of Registration, reported in 2024 1 SCC 769, while examining the validity of Section 77A of the Registration Act has observed as under:

“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 08.11.2017 is declared as unconstitutional.”



W.P. No.20311 of 2024

3.1. The learned counsel for the petitioner would submit that in view of the above order of this Court the impugned order cannot be sustained, which was agreed to by the learned Special Government Pleader.

4. In view thereof the impugned proceedings are set aside. It is open to the learned counsel for the 6th respondent to work out her remedies in the manner known to law. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

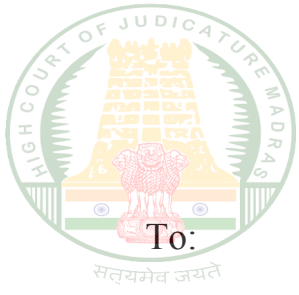
14.07.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

spp



W.P. No.20311 of 2024

To:

WEB COPY

1. The Additional Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai 600 028.
2. Deputy Inspector General of Registration,
Deputy Inspector General of Registration Office,
Red Fields, Airforce Administrative College Opp.,
Coimbatore 641 018.
3. The District Registrar,
DR Office Compund,
Rangampalayam, Erode 638 009.
4. Sub-Registrar,
Sub Registrar Office,
Kangeyam Main Road,
Avalpoondurai, Erode 638 115.
5. Revenue Divisional Officer,
Revenue Divisional Office,
Chidambaram Colony,
Erode 638 001.
- 6 . The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Commercial Taxes and Registration,
Chennai 600 009.



WEB COPY



W.P. No.20311 of 2024

MOHAMMED SHAFFIQ, J.

spp

W.P. No.20311 of 2024

14.07.2025