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W.A.No.1614 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No. 1614 of 2025
and
C.M.P.No.12082 of 2025

M.S.Anandhan @ Venkatraman

...Appellant

Vs.

1.M.A.Mahalingam

2.The Inspector General of Registration,
Santhome, Chennai.

3.The Administrative Registrar,
Kancheepuram District,
Kancheepuram.

4.The Joint Sub Registrar,
Thiruvallur.

5.M.A.Subramaniam

6.M.A.Sampath Kumar

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this Court in W.P.No.15246 of 2020 dated 05.04.2024.



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For Appellant : Ms.V.Kaaviya

For Respondents : Mr.U.Manogar for R1
Mr.U.Baranidharan,
Spl. Govt. Pleader for RR2 to 4
Mr.L.Chandrakumar for RR5 and 6

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The writ order dated 05.04.2024 in W.P.No.15246 of 2020 is under challenge in the present writ proceedings.

2. The order passed by the District Registrar under Section 68(2) of the Registration Act came to be challenged in the writ proceedings. The learned Single Judge found that the Registrar has assumed jurisdiction of the civil Court and recorded a statement of some persons for the purpose of crystallizing the civil rights of the parties, which is impermissible under the provisions of the Registration Act. Legal decision in this regard has been settled by the Division Bench of this Court in ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and others*** reported in (2024) 4 CTC 769 and para 178 of the said judgment reads as under:-



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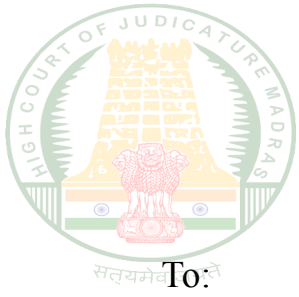
178. Section 68[2] of Registration Act was interpreted to confer power on the District Registrar to cancel the document for irregularities in registration. As this Court has already held that Section 77-A of the Act is unconstitutional as it is contrary to the object of the Act, any circular or order 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. The writ petition stands allowed.

3. In view of the legal principles laid down by the Division Bench of this Court, the aggrieved person has to approach the competent civil Court of law for the purpose of establishing their civil rights in the manner known to law.

4. In view of the above, the writ appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) (C.S.N., J.)
02.09.2025

dsa
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-speaking order



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To:

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and
C.SARAVANAN, J.

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