



WEB COPY



W.P.No.25668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.25668 of 2023
& W.M.P.Nos.25083 & 25084 of 2023

Anand Sharma

... Petitioner

Vs.

1. The District Registrar
(administration) Salem West
(additional In -charge Of Assistant Inspector
General Registration) Salem

2. The Sub Registrar
Joint Sub Registrar, No Iv,
Salem Salem District

3. S.M. Thiyagarajan

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records with respect of the impugned proceedings of the 1st respondent dated 20.06.2022 in his proceedings No. 56 / E4 / 2022 and dated 01.08.2023 in his proceedings No. 1565 / E5 / 2023 and quash the same

For Petitioner : Mr.R.Nalliyappan



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For Respondent : Mr.U.Baranidharan, SGP for R1 & 2
Mr.P.Tamizh Kumaran, for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 20.06.2022 and 01.08.2023.

2. The learned counsel for the petitioner would submit that the impugned orders dated 20.06.2022 and 01.08.2023 were passed by the 1st respondent by invoking the powers available under Section 77A of the Registration Act, 1908. Subsequently, the validity of Section 77A of the Registration Act, 1908, was struck down by the Hon'ble Division of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, he would submit that the two impugned orders, which were passed under Section 77A, are liable to be set aside. Hence, he requests this Court to pass appropriate orders.

3. The learned Special Government Pleader appearing for the Official respondents had fairly admitted that in view of the aforementioned order dated 02.08.2024 passed by the Hon'ble Division



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Bench of this Court in in W.P.No.10291 of 2022, the impugned orders passed, under Section 77A, are liable to be set aside.

4. In reply, the learned counsel appearing for the private respondent would submit that a civil suit is pending between the parties and hence, he seeks liberty of this Court to agitate his rights before the concerned Civil Court.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the Official respondents and the learned counsel for the private respondent and also perused the materials available on record.

6. In the case on hand, admittedly, the impugned orders dated 20.06.2022 and 01.08.2023 were passed by the 1st respondent by invoking the powers available under Section 77A of the Registration Act, 1908.

7. Further, there is no dispute on the aspect that the validity of Section 77A of the Registration Act, 1908, was struck down by the



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Hon'ble Division of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. When such being the case, obviously, the impugned orders, which were passed under Section 77A of the Registration Act, 1908, are liable to be set aside.

8. Accordingly, the impugned orders dated 20.06.2022 & 01.08.2023 are set aside. The liberty is granted to the parties to agitate their rights, before the concerned Civil Court, in the manner known to law.

9. In the result, this writ petition is allowed. No cost. Consequently, the connected miscellaneous petitions are also closed.

24.10.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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KRISHNAN RAMASAMY.J.,

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