



W.P.No.27069 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.27069 of 2024

B.Vanishree

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, R.A.Puram,
Chennai-600 028.

2.The District Registrar (Nagapattinam),
Court Compound, Vellipalayam,
Nagapattinam-611 001.

3.The Sub-Registrar,
Nagore Sub Registration Office,
Nagoore-Nagai Main Road,
(Near Nagoore Police Station),
Nagore-611 002.

4.Mohamed Kuthbudeen

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India



W.P.No.27069 of 2024

praying for issuance of writ of Certiorarified mandamus, to set aside the impugned order dated 14.03.2024 passed by the first respondent in proceedings No.25971/U2/2023 initiated by the petitioner against the order of the second respondent dated 15.06.2023 and consequently, direct the second respondent to restore the registered agreement for sale (Doc.No.1873/2011 registered in the office of the third respondent) executed by the petitioner in favour of Gowthama Thevar and three others.

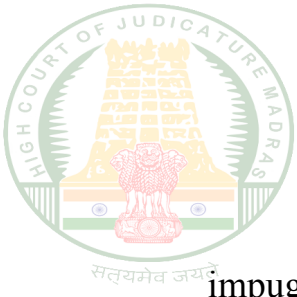
For Petitioner : Mr.N.Srinivas Jayaprakash
For Respondents : Mr.Abishek Murthy
Govt. Advocate for R1 to R3
Mr.T.A.Shagul Hameed for R4

ORDER

This writ petition has been filed challenging the impugned order of the first respondent dated 14.03.2024.

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

3. It is submitted by learned counsel for petitioner that the



W.P.No.27069 of 2024

WEB COPY

impugned proceedings made it very clear that the impugned order is being passed subject to the outcome of the writ petition challenging the validity of Sections 77-A & 77-B the Registration Act. He would further submit that the Division Bench of this Court in the case of ***M.Kathirvel and others Vs. Inspector General of Registration*** reported in ***2024 (4) CTC 769*** had examined the validity of the above provision, namely Section 77-A and held it to be unconstitutional. It was thus submitted that any order made on the basis of the above provision is non-est in the eye of law since the provision has been struck down by the Division Bench of this Court cited *supra*.

4. Mr.Abishek Murthy, learned Government Advocate appearing on behalf of respondents 1 to 3 would submit that in view of the orders of the Division Bench of this Court, it may be difficult to sustain the impugned proceedings. He would suggest that petitioner may approach the civil Court.

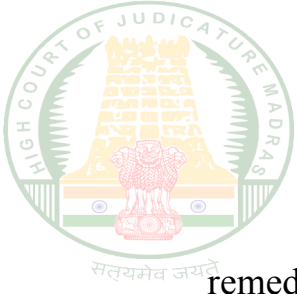


W.P.No.27069 of 2024

WEB COPY

5. Learned counsel appearing for fourth respondent filed a detailed counter, especially in paragraph No.30 stated that this Court may direct the learned Sub-Judge, Nagapattinam to dispose of the appeals in C.M.A.No.4 of 2022 and A.S.No.24 of 2022 pending on the file of the Sub Court, Nagapattinam and also direct the learned Judicial Magistrate-I, Nagapattinam to conduct trial and dispose of C.C.No.61 of 2014 within a time frame to be fixed by this Court.

6. Even though various grounds were raised by the learned counsel for petitioner questioning the proceedings of first respondent dated 14.03.2024, it is not necessary for this Court to go into all those issues. The very proceedings of first respondent dated 14.03.2024 issued under Section 77-A of the Registration Act is non-est in the eye of law since this provision has been struck down by the Division Bench of this Court in the decision in ***M.Kathirvel and others v. Inspector General of Registration [2024 (4) CTC 769]***. If at all, there is any grievance touching upon the civil rights of any parties, they can always approach the competent Court to work out their



W.P.No.27069 of 2024

remedy in the manner known to law.

WEB COPY

7. This Writ Petition is disposed of in the above terms. No costs.

09.07.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, R.A.Puram,
Chennai-600 028.
- 2.The District Registrar (Nagapattinam),
Court Compound, Vellipalayam,
Nagapattinam-611 001.
- 3.The Sub-Registrar,
Nagore Sub Registration Office,
Nagoore-Nagai Main Road,
(Near Nagoore Police Station),
Nagore-611 002.



WEB COPY



W.P.No.27069 of 2024

MOHAMMED SHAFFIQ, J.

vji

W.P.No.27069 of 2024

09.07.2025