



WP No. 31075 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-10-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

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Yellappa,
S/o.Allelappa,
Door No.6/85, T.Kothapalli Village,
Sevaganapalli Post, Hosur Taluk,
Krishnagiri District-635 103.

Petitioner(s)

Vs

1.The Inspector General of Registration,
Department of Registration,
100, Santhome High Road, Chennai-600 028.

2.The District Registrar (Admn),
Office Of The District Registrar, Krishnagiri District.

3.The Sub Registrar,
Office Of The Sub Registrar,
Hosur, Hosur Taluk, Krishnagiri District.

4.Venkatamma,
W/o.Late.Rama Reddy, Eachangur Village,
Hosur Taluk, Krishnagiri District.

Respondent(s)



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PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent having reference in Na.Ka.En.2510/Vu/2023 dated 03.07.2023 quash the same as arbitrary, without jurisdiction and void and consequently direct the 3rd respondent to restore the registered sale deed dated 11.03.2023 registered as Document No.4754/2023 in the office of 3rd respondent by deleting the remarks made in Appendix II.

For Petitioner(s): Mr.K.Rajkumar

For Respondent(s): Mr.Stalin Abhimanyu
Additional Government Pleader
for R1 to R3
Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates
for R4

ORDER

This writ petition has been filed by the petitioner seeking to call for the records relating to the impugned order of the 2nd respondent having reference in Na.Ka.En.2510/Vu/2023 dated 03.07.2023, quash the same as arbitrary, without jurisdiction and void and consequently direct the 3rd respondent to restore the



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registered sale deed dated 11.03.2023 registered as Document No.4754/2023 in
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the office of 3rd respondent by deleting the remarks made in Appendix II.

2.Learned counsel for the petitioner would submit that by invoking the provision under Section 77-A of the Registration Act, 1908, the impugned cancellation order dated 03.07.2023 was passed. However, this Court in the case of *M.Kathirvel vs. The Inspector General of Registration Department and others* reported in **2024 (4) CTC 769**, has struck down Section 77-A and 68(2) of the Registration Act. Therefore, any orders passed under Section 77-A has become null and void and the same is liable to be set aside.

3.Learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent acceded the submissions made by the learned counsel for the petitioner. However, learned counsel appearing for the 4th respondent seeks leave of this Court to agitate the issue before the appropriate Civil Court.



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4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and learned counsel for the 4th respondent.

5. In such view of the matter, since the provision under Section 77-A of the Registration Act, 1908, being struck down by this Court as unconstitutional in the case of *M.Kathirvel vs. The Inspector General of Registration Department and others* reported in **2024 (4) CTC 769**, any order passed by invoking Section 77-A of the Registration Act, 1908 has to be set aside. Accordingly, the impugned order dated 03.07.2023 passed by the 2nd respondent is set aside. While setting aside the impugned order dated 03.07.2023, the parties are granted liberty to agitate their issue before the appropriate Civil Court, if so desired.



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6. With the above observation, this writ petition stands allowed. No costs.

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(1/2)

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector General of Registration,
Department Of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The District Registrar (Admn),
Office Of The District Registrar,
Krishangiri.

3. The Sub Registrar,
Office Of The Sub Registrar, Hosur,
Hosur Taluk, Krishnagiri District



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KRISHNAN RAMASAMY J.

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