



W.P.No.28564 of 2023

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.06.2025

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.28564 of 2023

T.J.Anandakumar

.. Petitioner

Vs.

1. The Inspector General of Registration
100, Santhome High Road
Raja Annamalai Puram
Chennai – 600 028.
2. The Assistant Inspector General of Registration
The Office of Assistant Inspector General of Registrar
No.6/1, GRD Street, Red Fields
Coimbatore District – 18.
3. The District Registrar (Administration)
The Office of District Registrar
Coimbatore, Coimbatore District – 18.
4. The Sub Registrar
The Office of the Sub-Registrar
Sulur Sub-Registrar Office
No.423, Tiruchi Road
Sulur – 641 402.
5. P.Selvasekaran
6. P.Yuvaraj
7. C.Gopalasamy
8. Palanisamy
9. RKS Builders LLP
Rep. By its Designated Partner
9/105C, Alankar Garden, Vellakinar Pirivu
Mettupalayam Road, Coimbatore 641 029. .. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent vide order no. No.2168/ஆ/2022 dated 29.07.2022 and quash the same and direct the fourth respondent to remove the remarks/entries of the impugned order made in book No.1 which is reflected in the encumbrance certificate of sale deed No.323/2000.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 to R4

Mr.K.R.Arun Shabari
for R5, R7 & R8

Mr.K.Myilsamy
for R9

No Appearance for R6

ORDER

The present writ petition is filed challenging the order dated 29.07.2022, which is made invoking Section 77A of the Registration Act, 1908 [for brevity, hereinafter referred to as "the Act of 1908"].



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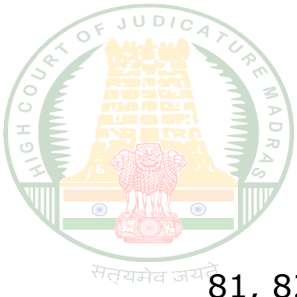
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2. It is submitted that Section 77A of the Act of 1908 has been found to be unconstitutional by a Division Bench of this Court in the case of ***M.Kathirvel vs. The Inspector General of Registration***¹. In view thereof, the parties would agree that the impugned order cannot be sustained.

3. However, it was pointed out by *Mr.K.Myilsamy*, learned counsel for the ninth respondent that there are also certain directions in terms of Sections 82 and 83 of the Act of 1908. It was thus submitted that the impugned order is a composite order, issued under Section 77A as well as Sections 82 and 83 of the Act of 1908.

4. In view thereof, insofar as the impugned order, traceable to Section 77A of the Act of 1908 is concerned, in view of the Judgment of the Division Bench of this Court in the case of ***M.Kathirvel*** (*supra*), the order is set aside. In respect of the impugned order, insofar as it relates to Sections 82 and 83 of the Act of 1908, the order remains undisturbed and it is open to the parties to redress their grievances, if any, in the manner known to law. All the rights and contentions of the parties, insofar as Section

¹ 2024 (4) CTC 769



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81, 82 and 83 of the Act of 1908, are left open. The same is agreed to by the parties.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.28119 of 2023 is closed.

26.06.2025

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

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MOHAMMED SHAFFIQ, J.

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