



WEB COPY

WP No. 35099 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 35099 of 2025

1. A.Gunasekaran

2.A Kalaiselvi

Petitioner(s)

Vs

1. The District Registrar (Administration),
Distirct Registrar Office,
Namakal 637 001.

2.The Sub-Registrar,
Tiruchengode SRO, Namakkal District.

3.The Commissioner,
Tiruchengode Mincipality,
Tiruchengode- 637 211, Namakkal.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorari, calling for records relating to the impugned order dated 19.07.2023 made in Na Ka No. 755/Aa5/2021 passed by the 1st respondent, quash the same on the ground that Sec.77-A of the Registration Act, 1908 has been struck down in M Kathirvel case (2024 (4) CTC 769(DB) .



For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr. Abishek Murthy
Government Advocate

ORDER

Challenge was made against the impugned order dated 19.07.2023 passed by the 1st respondent, cancelling all the 14 sale deeds and subsequent settlement deeds by invoking Section 77-A of the Registration Act, 1908, stating that after gifting the property to the 3rd respondent Municipality, the property was sold to the petitioner.

2. In all the 14 deeds, the extent of the property comes around 12,595 Sq.ft. The learned counsel appearing for the petitioners would submit that out of the total extent of 25,915 Sq.ft, an extent of 13,320 Sq.ft. was already gifted to the 3rd respondent Municipality and the remaining extent of 12,595 Sq.ft. only was obtained by way of sale deeds and subsequently, by virtue of settlement deeds. Therefore, there was no illegality and without considering all these aspects, the 1st respondent cancelled all the sale deeds and subsequent settlement deeds by invoking Section 77-A.



3. In the present case, though the learned counsel for the petitioners has not argued the case on merits, he argued on the aspect of the right of the 1st respondent to invoke Section 77-A. The learned counsel has referred the judgment of the Hon'ble Division Bench in ***M.Kathirvel Vs. Inspector General of Registration and Others*** reported in ***2024 SCC Online Mad 6154*** wherein, a Division Bench of this Court struck down Section 77-A as well as 68(2) of the Registration Act, 1909 and set aside the orders passed invoking 77-A. He would further submit that once the provision itself struck down, all the orders passed by invoking such provision automatically becomes void and the same is liable to be set aside.

4. The learned Government Advocate appearing for the respondents also accepted the submission made by the learned counsel for the petitioner with regard to striking of Section 77-A as well as 68(2). He would fairly submit that once a provision was struck down and subsequently, any orders passed invoking such provision also declared to be null and void and liable to be set aside.



5. Admittedly, in the present case, the impugned cancellation order was passed by invoking the power under Section 77-A. Hence, in the light of the law laid down in *M.Kathirvel Vs. Inspector General of Registration and Others* reported in *2024 SCC Online Mad 6154*, the order impugned herein passed invoking Section 77-A is set aside. With regard to the merits of the case, it is left open to the parties concerned to approach the appropriate Civil Court to establish their rights in the manner known to law.

6. This Writ Petition is disposed of with the above observations. No costs.

03-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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(Administration),
District Registrar Office,
Namakkal - 637 001.
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KRISHNAN RAMASAMY J.

KKN

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