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W.P.No.35893 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.No.35893 of 2025
and
W.M.P.No.40146 of 2025

National Charitable Trust rep. By its
Founder-President G.Srinivasan,
S/o.Govindaraj,
No.77/38, Avvai Nagar,
Kannagi Cross Street, Choolaimedu,
Chennai.

.. Petitioner

VS

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road, Chennai.

2.The District Registrar (Admin),
O/o.The District Registrar,
Kallakurichi District.

3.The Sub Registrar,
Joint II Sub Registrar Office,
Kallakurichi District.

4.Malaiamaan

5.Nirmala

6.Kala

7.Munusamy

8.Jayakumar

9.Ramasamy

10.A.Velu

.. Respondents



W.P.No.35893 of 2025

Petition filed under Article 226 of The Constitution of India

praying for the issuance of a writ of certiorari to call for the records of the second respondent dated 18.07.2023 in Na.Ka.No.1201/A4/2022 and quash the same.

For Petitioner : Ms.M.Nuzhath Khanam

For Respondents : Mr.U.Baranidharan,
Special Government Pleader
for R1 to R3
Mr.R.Sunil Kumar
for R4 to R8
R9 and R10 – Tapal returned
with an endorsement
(No such person)

ORDER

An order dated 18.07.2023 of the second respondent cancelling registered instruments is the subject of challenge in this writ petition.

2. The petitioner asserts that the property was purchased by the petitioner under a registered sale deed dated 27.11.2019 bearing Document No.4865 of 2019. It is also stated that the said property was settled to and in favour of the petitioner Trust. Upon being shocked to discover that Document No.4865 of 2019 was cancelled pursuant to the impugned order dated 18.07.2023, the said order has been impugned in the present writ petition.



W.P.No.35893 of 2025

3. Learned counsel for the petitioner submits that the impugned order has been issued under Section 77-A of The Registration Act, 1908 and that the said provision was struck down by a Division Bench of this Court as being ultravires.

4. Learned counsel for the respondents 4 to 8 contends that the impugned order pre-dated the order of the Division Bench of this Court and, therefore, the said order would not apply in respect of the present case.

5. Learned Special Government Pleader responded to the submission by referring to the judgment of the Division Bench of this Court in *M.Kathirvel and others vs. Inspector General of Registration and Others* (2024 (4) CTC 769) (*Kathirvel*). By inviting my attention to paragraph No.176 thereof, learned Special Government Pleader submits that even orders issued prior to the date of judgment were set aside in the said judgment.

6. In *Kathirvel*, the Division Bench of this Court held that Section 77-A of the Registration Act is unconstitutional. Except in cases where such decision is made expressly prospective, it would apply from the date of entry into force of the provision concerned. In *Kathirvel*, at paragraph No.176, the Division Bench held as under:



WEB COPY



W.P.No.35893 of 2025

176. WP.[MD].Nos.8357, 12208, 13666, 9213, 14121, 13172, 13895, 13746, 3419 of 2023, 8679/2023, WP.Nos.15543, 13188, 22561, 31075, 31079/2023 ; WA.No.2963, 2211, 2386/2023, 575/2024 ; WP.Nos. 13567, 8305, 10525, 22570, 9386, 15825/2023:

The above writ petitions are filed challenging the orders passed by the District Registrar cancelling the document on the ground that the registration of the document are in contravention of Section 22-A and Section 22-B. In view of the decision taken by this Court by declaring Section 77-A is unconstitutional, all these writ petitions are allowed and the impugned order passed by the respective District Registrars by invoking the power under Section 77 are set aside.

7. As is noticeable from the above extract, even with regard to orders issued prior to the judgment, the Division Bench set aside all those orders on the ground that Section 77-A is unconstitutional. In view thereof, this writ petition is liable to be allowed and the impugned order is liable to be set aside. Accordingly, the impugned order is set aside by allowing this writ petition without any order as to costs. Connected miscellaneous petition is closed. It is, however, clarified that this order will not stand in the way of the private

4/6



W.P.No.35893 of 2025

respondents challenging the conveyance in favour of the petitioner
by instituting proceedings before the jurisdictional Civil Court.

WEB COPY

02.12.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road, Chennai.
- 2.The District Registrar (Admin),
O/o.The District Registrar,
Kallakurichi District.
- 3.The Sub Registrar,
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WEB COPY



W.P.No.35893 of 2025

SENTHILKUMAR RAMAMOORTHY,J.

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W.P.No.35893 of 2025

02.12.2025