



WEB COPY



WP.No.38636 of 2024

In the High Court of Judicature at Madras

Dated : 02.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38636 of 2024 &
WMP.Nos.41844 & 41845 of 2024

Loganathan

Vs

...Petitioner

1.The Inspector General of
Registration, Mandavelipakkam,
Raja Annamalai Puram,
Chennai.

2.The District Registrar
(Administration),
Virudhachalam, Cuddalore
District.

3.The Sub-Registrar Joint 1,
Virudhachalam, Cuddalore
District.

4.RDR.Ramesh
5.Govindhan
6.Velu
7.Andal
8.Murugan
9.Saravana
10.Lakshmi
11.Vimala
12.Revathi
13.Jayakrishnan
14.Chinnaponnu
15.Ambika

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.1756/A2/2023 dated 14.6.2023 on the file of the second respondent, quash the same as on jurisdiction available to the second respondent as Section 77A of the Registration Act is struck down by the Division Bench of this Court in M.Kathirvel Vs. Inspector General of Registration [reported in 2024 (5) MLJ 107].

For Petitioner : Mr.M.Muruganantham
For R1 to R3 : Ms.C.Meera Arumugam, AGP

ORDER

Challenging the proceedings of the second respondent dated 14.6.2023 cancelling the sale deed dated 05.7.2022 registered as doc.No.3302 of 2022 on the file of the third respondent, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 to 3.



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3. The case of the petitioner is that the petitioner purchased the properties in (i) S.No.210/2 measuring acre 1.13 1/2 cents; (ii) S.No. 210/3 measuring acre 1.28 cents; (iii) S.No.210/4 measuring acre 1.23 1/2 cents; and (iii) S.No.211/2 measuring acre 1.68 cents, in total, acres 5.33 cents, Ko.Mavidanthal Village, Virudhachalam District from respondents 5 to 15 for a valid sale consideration vide sale deed dated 05.7.2022 registered as doc.No.3302 of 2022 on the file of the third respondent. After the purchase, the petitioner has become the absolute owner of the subject properties.

(ii) The fourth respondent along with his sister - one Mrs.Kalyani, who have no connection with the subject properties covered under the said sale deed dated 05.7.2022, gave a complaint dated 11.7.2022 before the second respondent under Section 77A of the Tamil Nadu Registration Act against respondents 5 to 15. However, without any notice whatsoever by the second respondent or any intimation by respondents 5 to 15, who are none other than the vendors of the petitioner, about the pendency of the proceedings initiated by the second respondent pursuant to the complaint given by the fourth respondent and his sister, the impugned order came to be passed by the second respondent cancelling the said sale deed dated 05.7.2022 by exercising the powers under Section 77A of the Registration Act. Hence the writ petition.



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4. In the light of the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769]***, the impugned order dated 14.6.2023, in and by which, the sale deed dated 05.7.2022 has been cancelled by the second respondent, cannot be sustained.

5. Accordingly, the writ petition is allowed and the impugned cancellation order is set aside. No costs. Consequently, the connected WMPs are closed.

02.1.2025

Index : Yes (or) No
Neutral Citation : Yes (or) No

To

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RS



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