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W.P.No.44080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.44080 of 2025

J.Pradeep Kumar
S/o.Late Janakan,
Rep.by Power of Attorney Agent
T.Karunakaran,S/o.Late A.Thangaraj
No.13/33, Sundaram Flats, 1st Floor,
Brindavan Street Extension,West Mambalam,
Chennai-600 033. ... Petitioner
Vs.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus to issue necessary direction to the 3rd Respondent to return the appeal papers presented on 28.03.2022 in file No.Ka.No.1610/A1/2023 by the Petitioner.

For Petitioner : Mr.S.Udayakumar
For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

Mr.U.Baranidharan,learned Special Government Pleader takes notice on behalf of the respondents. With the consent of both sides, the main Writ Petition itself is taken up for disposal at the stage of admission
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itself.

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2.This Writ Petition has been filed seeking a direction to the 3rd Respondent to return the appeal papers presented on 28.03.2022 in No.Ka.No.1610/A1/2023 by the Petitioner.

3. The learned counsel for the petitioner would submit that as against the order passed by the District Registrar (Admn), in dismissing the petition filed by the petitioner for cancellation of the Sale Deed dated 22.03.2007 in Doc.No.2307 of 2007, the petitioner preferred an

Appeal before the 2nd Respondent on 28.03.2022. Despite several

requests being made by the petitioner, the 2nd Respondent has not passed

any orders on the said Appeal. Thereafter, the 2nd Respondent vide communication dated 16.11.2025 informed the petitioner that the said

Appeal has been transferred to the 3rd respondent on administrative grounds. But, till date the Appeal is pending without any progress. In

the meanwhile, Section 77-A of the Tamil Nadu Registration Act, 1909 was struck down by the Division Bench of this Court in the case of

M.Kathirvel Vs. The Inspector General of Registration Department and

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others reported **2024 (4) CTC 769**. Therefore, by virtue of the order passed by this Court, the District Registrar has no power to cancel the document sought for and the petitioner has to seek his remedy before the Civil Court by challenging the Sale Deed. Therefore, he has filed this Writ Petition seeking for the aforesaid relief.

4. The learned Special Government Pleader appearing for the respondents fairly acceded to the submissions made by the learned counsel for the petitioner and prayed for appropriate orders.

5. Heard both sides. Perused the records.

6. Considering the submissions made by the learned counsel appearing on either side and upon perusing the materials available on record, as rightly contended by the learned counsel for the petitioner that since Section 77-A of the Tamil Nadu Registration Act, 1909 was struck down by the Division Bench of this Court in the case of ***M.Kathirvel Vs. The Inspector General of Registration Department and others*** reported **2024 (4) CTC 769**, the District Registrar has no power to cancel the document sought for and hence no fruitful purpose would be served in keeping the Appeal filed by the petitioner as against the dismissal of the



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petition filed for cancellation of the Sale Deed. In view of the same, the remedy available to the petitioner is to challenge the Sale Deed dated 15.11.2025 before the appropriate Civil Court.

7. In such view of the matter, the 3rd respondent is directed to return the Appeal papers presented by the petitioner on 28.03.2022, within a period of **two days** from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

18.11.2025

arr
Index: Yes/No
Internet: Yes

To



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KRISHNAN RAMASAMY, J.
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