



W.P.(MD).No.3218 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3218 of 2025

and

W.M.P.(MD).No.2246 of 2025

R.N.Velmurugan

.. Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Rajakambeeram,
Y.Othakadai,
Madurai.

2.The District Registrar Madurai (North),
(In the Cadre of Assistant Inspector General of Registration),
Registration Department,
Rajakambeeram,
Y.Othakadai,
Madurai.

3.The Sub Registrar,
Registration Department,
Alanganallur,
Madurai District.

4.Annalakshmi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the impugned



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order passed by the 2nd respondent in No.4572/A3/2022, dated 06.04.2023, quash the same.

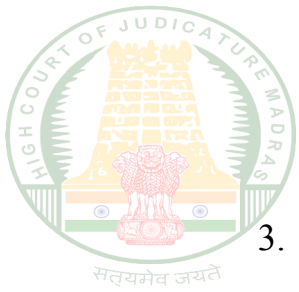
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For Petitioner : Mr.M.Saravanan
For R-1 to R-3 : Mr.N.Ramesh Arumugam
Government Advocate
For R-4 : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

ORDER

The petitioner challenges the order passed by the second respondent in Proceedings No.4572/A3/2022, dated 06.04.2023.

2. The impugned order came to be passed by the second respondent on the basis of a petition filed by the fourth respondent, alleging that the partition deed executed between the petitioner and his co-sharers is a fraudulent one. The second respondent invoked Section 77A of the Registration Act and declared the partition deed as fraudulent and inoperative. Aggrieved by the same, the writ petitioner preferred an appeal before the first respondent. The appeal is said to be pending.



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3. In the meantime, a Division Bench of this Court in ***M.Kathirvel Vs. Inspector General of Registration and others, 2024 (4) CTC 769***, declared the very provision under Section 77A to be unconstitutional. Hence, the petitioner has approached this Court seeking to quash the order passed by the second respondent.

4. When the matter came up for admission, as the petition before the second respondent had been filed by the fourth respondent and since if any order is passed in this Writ Petition, it will affect the right of the fourth respondent, I directed the petitioner to take notice on the fourth respondent. The fourth respondent has been served and Mr.G.Aravinthan has entered appearance on her behalf.

5. Heard Mr.M.Saravanan for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1 to 3 and Mr.G.Aravinthan for the fourth respondent.

6. The Division Bench of this Court in *M.Kathirvel's* case has declared Section 77A to be unconstitutional. The declaration of unconstitutionality relates back to the date on which the amendment was inserted into the Act.



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Therefore, any order passed pursuant to Section 77A, which has been declared

as unconstitutional, should also fall to the ground. Consequently, the Writ

Petition succeeds and the same stands allowed. The impugned order is set aside.

Needless to add, it is open to the writ petitioner and the fourth respondent to

initiate such proceedings, as they may be advised, before the jurisdictional Civil

Court. There shall be no order as to costs. Consequently, connected

miscellaneous petition stands closed.

19.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Lm

To

1.The District Registrar(Administration),
Office of the District Registrar,
Tirunelveli.

2.The Sub Registrar,
Panagudi,
Tirunelveli District.



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V.LAKSHMINARAYANAN,J.

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