



W.P.(MD) No.4554 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4554 of 2025

Shanmugam

... Petitioner

Vs.

1. The Regional Deputy Inspector General of Registration,
Trichy Region,
Kajamalai,
Trichy - 20.

2. The District Registrar (Administration),
Ariyalur District Registration,
Ariyalur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the 1st respondent to dispose the proceeding in Na.Ka.No.6286/E1/2022 dated 23.11.2022 on the file of the 1st respondent.

For Petitioner : Mr.M.Silambarasan

For R1 & R2 : Mr.N.Ramesh Arumugam

Government Advocate



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ORDER

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The petitioner seeks for issuance of Writ of Mandamus directing the first respondent to dispose of the appeal presented by him in Na.Ka.No.6286/E1/2022 dated 23.11.2022.

2. A perusal of the papers shows that the second respondent had passed an order on 28.10.2022 in exercise of the power vested on him under Section 77-A of the Registration Act, 1908. Aggrieved by the said order, the petitioner had preferred an appeal before the first respondent. As the appeal has not been disposed of, he has come forward with the present writ petition.

3. Heard Mr.M.Silambarasan for the petitioner and Mr.N.Ramesh Arumugam, Government Advocate for the respondents.

4. Mr.N.Ramesh Arumugam has produced the written instructions that he received from the first respondent in Na.Ka.No.6286/E1/2022 dated 20.02.2025. The first respondent has instructed Mr.N.Ramesh Arumugam that an appeal had been preferred under Section 77-B of the



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Registration Act.

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5. A Division Bench of this Court in *M.Kathirvel* and others Vs. Inspector General of Registration [2024 (4) CTC 769] has declared amendment to Section 77-A has inserted in the Registration [Tamil Nadu Second Amendment] Act, 2021 as unconstitutional. When the provision itself has been declared as unconstitutional, it is not open to the petitioner to maintain an appeal before the first respondent.

6. Leaving it open to the petitioner to take appropriate civil proceedings, this writ petition is dismissed. The first respondent is directed to record the judgement of the Division Bench referred to above and close the appeal. No costs.

20.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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V. LAKSHMINARAYANAN, J.

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