



W.P.(MD)No.4318 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.4318 of 2025

G.R.Lathamai

... Petitioner

VS.

1.The Deputy Inspector General of Registration,
Madurai,
Rajakambeeram,
Y.Othakadai,
Madurai 625 107.

2.The District Registrar,
Madurai South,
Madurai.

3.The District Collector,
Madurai District,
Madurai.

4.Vinmathi Augustin

5.S.Mathisekar

6.S.Mathavan

7.K.Vidhwakani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for order passed in Na.Ka.No.4729/Aa2/2022 dated 13.04.2023 on the file of 2nd Respondent and to quash the same.

For Petitioner :Mr.S.Mahesh Babu

For R1 to R3 :Mr.P.T.Thiraviam
Government Advocate

For R4 : Mr.T.Thevan

ORDER

This writ petition has been filed challenging the order passed in Na.Ka.No.4729/Aa2/2022 dated 13.04.2023 by the second respondent.

2.The petitioner states that she purchased the property from the fifth respondent on 22.12.2021. She pleads that the property was purchased by her along with her husband, who was working in Abudhabi, in United Arab Emirates. On the strength of the sale deed executed in her favour by the fifth respondent, she mutated the revenue records.

3.She pleads that the fifth respondent got the property, by virtue of a settlement deed executed by the 7th respondent in favour of the



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respondents 5 and 6. The fourth respondent, who is the sibling of the 7th respondent, filed a writ petition in W.P.(MD) No.18236 of 2016, pleading that the cancellation of the settlement deed dated 03.06.2011 is unilateral and therefore illegal. The writ petition was allowed and the cancellation was set aside.

4. Aggrieved by the same, the petitioner and her husband preferred an appeal in W.A.(MD) No.1126 of 2022. The appeal was also dismissed on 07.02.2025 permitting the parties to approach the jurisdictional civil Court. The petitioner has also approached the civil Court presenting a suit for declaration and for consequential reliefs in O.S.No.553 of 2022 on the file of the VI Additional District Court, Madurai. In the meantime, the impugned order in the present writ petition was passed on 13.04.2023. This was also based on a petition filed by the fourth respondent invoking Section 77A of the Registration Act, 1908. The petitioner pleads that as Section 77A of the Registration Act, 1908, has been struck down as unconstitutional by a Division Bench of this Court in *M.Kathirvel Vs. the Inspector General of Registration and others*, **2024(4) CTC 769**, the impugned order is liable to be set aside.



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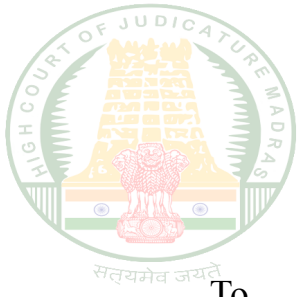
5. When the matter came up for admission, Mr.P.T.Thiraviam, took notice for the respondents 1 to 3 and notice was issued to the contesting respondents. Mr.T.Thevan has entered appearance for the contesting fourth respondent.

6. Both Mr.S.Mahesh Babu as well as Mr.T.Thevan agree that Section 77A of the Registration Act, 1908 has been struck down as unconstitutional, and that both of them will workout their rights before the jurisdictional civil Court.

7. Since the provision on the basis of which the order was passed, has been struck down as unconstitutional, any order passed under the strength of the said provision must also fall. Consequently, this Writ Petition stands allowed. The impugned order is quashed. Needless to mention, it is for the parties to workout their rights in O.S.No.553 of 2022 on the file of VI Additional District Court, Madurai. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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V. LAKSHMINARAYANAN, J.

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