



W.P(MD)No.4451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.4451 of 2024

Ramasamy

...Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600028.

2.The District Registrar (Administration),
Palani,
Dindigul District.

3.The Sub - Registrar
Vedasandur Sub Registrar Office,
Dindigul District.

4.Kandasamy Gounder

5. Manickam

6. Karuppasamy

7. Devathal

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records in pursuant to the impugned order in 4323/E1/2022 dated 22.05.2023 issued by the 2nd



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respondent, to quash the same as illegal.

(Prayer amended vide Court order, dated 02.04.2024 in WMP(MD)No. 5339/2024 in WP(MD)No.4451/2024)

For Petitioner : Mr.P.Saravanakumar

For R1 to R3 : Mr.S.Saji Bino
Special Government Pleader

For R4 to R7 : Mr.T.Lenin Kumar

ORDER

Initially the writ was filed for issuance of Writ of Mandamus to direct the 2nd respondent to keep in abeyance the order passed in proceedings dated 22.05.2023 in accordance with the Circular dated 29.09.2023 issued by the 1st respondent in respect of pending legal issues with regard to Section 77A of the Registration Act. Subsequently the prayer was amended for the issuance of a Writ of Certiorari, to quash the impugned order dated 22.05.2023 passed by the 2nd respondent.

2. The impugned order was passed based on the complaint filed by the private respondents 4 to 7. The 2nd respondent has passed an order under Section 77A of the Registration Act. But subsequently Section 77A was struck down as unconstitutional. In such circumstances the 2nd respondent has passed an order without jurisdiction and hence the same is liable to be quashed.



3. However, the learned Special Government Pleader appearing for the respondents 1 to 3 relied on the judgment rendered by the Hon'ble Supreme Court in ***Amazon.com NV Investment Holdings LLC Vs. Future Retail Limited and Others*** reported in ***2021 (6) CTC 84*** and submitted that once the order is passed then the same ought to be followed by the private respondents. The relevant portion of the order is extracted hereunder:

*“39. Even otherwise, as has been correctly pointed out by Mr. Subramaniam, no order bears the stamp of invalidity on its forehead and has to be set aside in regular court proceedings as being illegal. This is felicitously stated in several judgments – See [Krishnadevi Malchand Kamathia v. Bombay Environmental Action Group](#), (2011) 3 SCC 363 (at paragraphs 16 to 19), and [Anita International v. Tungabadra Sugar Works Mazdoor Sangh](#), (2016) 9 SCC 44 (at paragraphs 54 and 55). As a matter of fact, in [Tayabbhai M. Bagasarwalla v. Hind Rubber Industries \(P\) Ltd.](#), (1997) 3 SCC 443, **this Court has unequivocally held that even if an order is later set aside as having been passed without jurisdiction, for the period of its subsistence, it is an order that must be obeyed.** This Court held:*

“15. The next thing to be noticed is that certain interim orders were asked for and were granted by the Civil Court during this period. Would it be right to say that violation of and disobedience to the said orders of injunction is not punishable because it has been found later that the Civil Court had no jurisdiction to entertain the suit. Mr Sorabjee suggests that saying so would be subversive of the Rule of Law and would seriously erode the majesty and dignity of the courts. It would mean, suggests the learned counsel, that it would be open to the defendants-respondents to



*decide for themselves whether the order was with or without jurisdiction and act upon that belief. This can never be, says the learned counsel. **He further suggests that if any party thinks that an order made by the Civil Court is without jurisdiction or is contrary to law, the appropriate course open to him is to approach that court with that plea and ask for vacating the order. But it is not open to him to flout the said order assuming that the order is without jurisdiction. It is this principle which has been recognised and incorporated in Section 9-A of Civil Procedure Code (inserted by Maharashtra Amendment Act No. 65 of 1977), says Mr.Sorabjee.***

4. However, the said order is not applicable to the present case. In the above case the Court held that the individuals cannot flout the order passed by the officials and they are bound to approach the Courts to set aside the said order. In the present case the aggrieved party had approached the Court to set aside the said order, hence the aforesaid judgment is not applicable to the issue raised in the present writ petition.

5. It is settled law that any order is passed without jurisdiction, then the said order is non est in the eye of law. Since the section 77A was struck down as null and void, any order passed under section 77A would become non est in the eye of law. Therefore, the impugned order ought to be set aside and accordingly set aside.



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6. Therefore, the present writ petition is allowed. However, if the rights of the petitioner and the right of the private respondents 4 to 7 are affected and the parties are aggrieved, they are at liberty to approach the competent Civil Court. There shall be no order as to costs.

08.08.2025

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

Tmg

To

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100, Santhome High Road,
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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED : 08.08.2025