



W.P(MD)No.4542 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.4542 of 2025
and
WMP(MD)Nos.3261 & 3262 of 2025

R.Jeyaraman

.. Petitioners

Vs.

1. The Deputy Inspector General Of Registration,
Ramanathapuram District,
Ramanathapuram.

2. The District Registrar
Office of The District Registrar,
Virudhunagar.

3. Jeyapandiammal

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorarified Mandamus, to call for the entire records pertaining to the impugned proceedings in Na.Ka.No. 1266/Aa4/2021 dated 15.11.2022 of the 2nd respondent and to quash the same as illegal and consequently, to direct the 1st and 2nd respondents to pass suitable order to delete the entry/remark made in the encumbrance certificate of the petitioner's landed properties in Survey Nos.639/6, 639/7, 649/2 and 649/3 of Mettamalai Village, Sattur Taluk of Virudhunagar District.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader for R1 & R2



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ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings in Na.Ka.No. 1266/Aa4/2021 dated 15.11.2022 of the 2nd respondent and consequently, to direct the 1st and 2nd respondents to pass suitable order to delete the entry/remark made in the encumbrance certificate of the petitioner's landed properties in Survey Nos.639/6, 639/7, 649/2 and 649/3 of Mettamalai Village, Sattur Taluk of Virudhunagar District.

2.The brief facts are that the petitioner's father namely, Mr.Ramanujam had served in Indian Military and after retirement, he was serving in Postal Department. While serving in the Postal Department, the petitioner's father died. The petitioner's father had purchased the properties situated in Survey Nos.639/6, 639/7, 649/2 and 649/3 of Mettamalai Village, Sattur Taluk of Virudhunagar District, in the petitioner's mother's name, vide Doc.No.3498 of 1958 dated 03.11.1958. The petitioner is having four siblings namely, Amaladevi, Valliammal, Veeraputhiran and Ramanujam along with the petitioner R.Jeyaraman. They were in joint possession by cultivating several plots. While that being so, the petitioner's mother executed a registered gift deed to the petitioner's sister Amaladevi, vide Doc.No.1579 of 2006, dated 06.03.2006.



3.The contention of the petitioner is that the said document was executed out of coercion and deceitful means. Immediately, the petitioner questioned the same. The petitioner's mother and sister have conceded and also accepted to cancel the gift deed. In the meanwhile, the said Amaladevi died on 02.06.2010 leaving behind the legal heirs namely, Amirthalakshmi, Jeyapandiammal and Yosothai. According to the petitioner, the legal heirs of Amaladevi have given acceptance to cancel the gift deed. On 10.06.2010, the petitioner's mother cancelled the gift deed, vide Doc.No.5166 of 2010, with the knowledge of the legal heirs of the said Amaladevi, Thereafter, the petitioner's mother executed a registered gift deed in favour of the petitioner and the petitioner's younger brother Ramanujam in Doc.No.5167 of 2010 dated 10.06.2010 that too with the knowledge and consent of the other legal heirs. Based on the same, the petitioner had executed a settlement deed in favour of his wife namely, Kanniammal vide Doc.No.5457 of 2010 dated 18.06.2010. Thereafter, one of the daughters of Amaladevi namely, Jeyapandi Ammal preferred a representation to the 2nd respondent dated 25.03.2022. The same was taken on file and the proceedings was initiated in Na.Ka.No.1266/Aa4/2021, dated 15.11.2022.

4.The contention of the petitioner is that Jeyapandi Ammal had requested to cancel the settlement deed executed in favour of the petitioner and



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his brother and the consequential settlement deed executed by the petitioner to his wife and there was no prayer to cancel the Doc.No.5166/2010 but the official respondents highhandedly cancelled all the three documents. The petitioner had preferred an appeal to the 1st respondent which was taken on file in Na.Ka.No. 13598/Aa4/2022 dated 11.01.2023. Since the appeal was not heard, the petitioner preferred WP(MD)No.23462 of 2024 and this Court vide order, dated 01.10.2024, had held that the registering authorities have no rights to go into the title dispute and the same has to be agitated only before the competent Civil Court. The said writ petition was dismissed with liberty to agitate before the competent Civil Court.

5.The further contention of the petitioner is that the petitioner was not having any remedy to challenge the 2nd respondent's order dated 15.11.2022 on merits, since there is an impediment. The Sections 77A and 77B are declared as unconstitutional. Moreover, it is also held that Section 77A does not have any retrospective effect but the official respondents have passed the order dated 15.11.2022 by invoking Section 77A. Aggrieved over the same, the present writ petition is filed.

6.Heard the learned Counsels appearing on both sides and perused the records.



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7.It is seen from the records that the 3rd respondent has preferred a petition on 25.03.2022 after a lapse of 12 years that too under Section 77A. When the Hon'ble Full Bench has held that Section 77A is unconstitutional, the petition filed under Section 77A cannot be entertained and the order passed by the 2nd respondent dated 15.11.2022 will become non-est in the eye of law. The appropriate remedy for the 3rd respondent is to approach the competent Civil Court. More over, as rightly submitted by the petitioner, Section 77A is not having any retrospective effect with regard to the documents of the year 2010. The Hon'ble Full Bench has also held that Section 77 A will have only prospective effect. Therefore, any document executed after Section 77A, ie., after 2021 which was under the Registration (Tamil Nadu Second Amendment) Act, 2021, shall be challenged. Therefore, the documents executed prior to 2021 cannot be challenged under Section 77A. Therefore, the very basis of the complaint dated 25.03.2022 which has challenged 2010 document, ought not to have been taken by the official respondents.

8.Therefore, the impugned order dated 15.11.2022 is set aside and the 3rd respondent is at liberty to approach the competent Civil Court.

9.Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.



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NCC : Yes / No

Index : Yes / No

Internet : Yes

Tmg

To

1. The Deputy Inspector General Of Registration,
Ramanathapuram District,
Ramanathapuram.
2. The District Registrar
Office of The District Registrar,
Virudhunagar.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.4542 of 2025**

DATED : 08.08.2025