



W.P.(MD) No.9083 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.9083 of 2025

C.Ramkumar ... Petitioner

Vs

1 The Deputy Inspector General of Registration,
Registration Department,
Tirunelveli,
Tirunelveli District.

2 The District Registrar,
Department of Registration,
Cheranmadevi,
Tirunelveli District.

3 The Sub Registrar
Department of Registration,
Kadayam,
Tenkasi District.

4 Murugesan

5 Narayanan

6 S.Kannan

7 Sathiyakani ... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the impugned order, dated 03.02.2025, vide Na.Ka.No.330/A4/2025, as passed by the 2nd respondent, and subsequently quash the same as illegal and consequently cancel the fake and forged documents bearing Nos.237/2003 and 1602/2013 in respect of the property bearing Survey No.159/1 on the file of the Sub Registrar, Kadayam, as situated at Keelakadayam Village, Tenkasi Taluk, Tenkasi District, forthwith.

For Petitioner : Mr.Selvin Abeesh S.A.

For Respondents 1 to 3 : Mr.R.Suresh Kumar,
Addl. Govt. Pleader.

ORDER

The petitioner challenges the order passed by the second respondent.

2. The case of the petitioner is that the property situated in Survey No.159/1 of Keelakadayam Village, Tenkasi Taluk and District, belongs to him ancestrally. He pleads that the property continued to remain with the family without any alienation. He states that he joined the service in Indo-Tibetan Border Police and, therefore, was not available in Tenkasi.



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Taking advantage of his absence, respondents 4 to 7 created a document purporting that they had become the owners of the property. Aggrieved by the same, the petitioner submitted a request to the second respondent seeking cancellation of document. The second respondent issued a reply, stating that Section 77-A of the Registration Act, 1908, has been struck down as unconstitutional and, therefore, he does not have the powers. Challenging the same, the present Writ Petition.

3. I have heard Mr.Selvin Abeesh S.A., for the petitioner; and Mr.R.Suresh Kumar, for the respondents 1 to 3. As no adverse order is being passed against respondents 4 to 7, notice to them is dispensed with.

4. The narration of facts shows that the petitioner asserts title in himself and denies the title of respondents 4 to 7. The document relied upon by respondents 4 to 7 is dated 29.04.2013. Even if Section 77-A of the Registration Act, 1908, had not been struck down, in terms of the order passed by a Division Bench of this Court in *Advantage Net Technologies Private Limited v. Inspector General of Registration*, 2024 (2) CTC 505 (DB), it could not have been of assistance to the petitioner. The provision itself has been struck down by the Division Bench in *M.Kathirvel v. Inspector General of Registration*, 2024 (4) CTC 769. Therefore, the petitioner cannot seek the assistance of respondents 1 to 3 to remove the document from their file.



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5. Appropriate remedy for the petitioner is to approach the jurisdictional civil court and seek for such remedies, as he is entitled to.

6. With the above observation, this Writ Petition is dismissed. No costs.

03.04.2025

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

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To:

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Tirunelveli District.
- 2 The District Registrar,
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V.LAKSHMINARAYANAN, J.

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