



**W.P.(MD) No.10277 of 2025**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.04.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.10277 of 2025**

V.S.Amaradhan ... Petitioner

Vs

- 1 The Head of Registration Department,  
Tamil Nadu Registration Department,  
No.100, Santhome High Road,  
Pattinapakkam,  
Santhome, Raja Annamalai Puram,  
Chennai - 600 028.
  - 2 The District Registrar (Administration),  
District Registration Office,  
Court Campus, Pudukkottai District.
  - 3 The District Registrar (Audit)  
District Registration Office, Court  
Campus, Pudukkottai District.
  - 4 The Deputy Registrar  
Deputy Registrar's Office,  
2nd Floor, Government Multi Purpose Office,  
Kajamalai,  
Trichy - 20.
  - 5 The Sub Registrar,  
Viralimalai Sub Registry,  
Viralimalai,  
Pudukkottai District.
- ... 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 mandamus, to direct the respondents to take the appeal filed by the petitioner on 13/02/2023.

For Petitioner : Mr.D.Boopal

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

**ORDER**

The petitioner seeks for a mandamus to direct the Inspector General of Registration to take up his appeal, preferred against the order passed by the third respondent in Na.Ka.No.173/Thutha/2022, dated 06.09.2022, for disposal.

2. The order passed by the third respondent was invoking Section 77A of the Registration Act,1908. The said provision has been struck down as unconstitutional by a Division Bench of this Court in M.Kathirvel v. Inspector General of Registration, 2024 (4) CTC 769. When the provision itself has been struck down, an appeal preferred against an order under Section 77B of the Act is untenable.



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3. When the provision has been struck down, any order passed, invoking the said provision, would also have to fall to the ground. The mandamus sought for cannot be issued, as the provision no longer exists in the statute book.

4. The order passed under Section 77A can no longer be said to be in existence. Accordingly, the order, dated 06.09.2022, is declared to be inoperative. The interest of the petitioner will be served, if there is a direction to the fifth respondent to register a copy of this order, declaring the order in Na.Ka.No.173/ Thutha/2022, dated 06.09.2022, as invalid.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) No.7660 of 2025 is closed.

**15.04.2025**

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

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**V.LAKSHMINARAYANAN, J.**

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