



W.P.(MD)No.17496 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 17496 of 2025

and

W.M.P(MD)No. 13356 of 2025

O.Nagarajan,

...Petitioner

Vs.

1. The District Registrar (Administration), Department of Registration,
Madurai South,
Madurai District.
2. The Sub Registrar O/o.The Sub-Registrar,
Checkanoorani Sub Registrars Office,
Checkanoorani, Madurai District.
3. M.Ravichandran

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records in relating to the impugned order in Na.Ka.No. 8244/A2/2022 dated 19.06.2023 passed by the 1st respondent and quash the same as illegal and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : M/s. T.Manikandan

For Respondents : Mr.S.Kameshwaran,
Government Advocate for R1 & 2



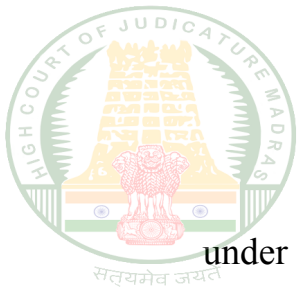
W.P.(MD)No.17496 of 2025

ORDER

WEB COPY The present Writ Petition has been filed for the issuance of a *Writ of Certiorarified Mandamus* calling for the records in relating to the impugned order in Na.Ka.No. 8244/A2/2022 dated 19.06.2023 passed by the 1st respondent and quash the same as illegal.

2. Through the impugned order dated 19.06.2023 the first respondent had declared the document No.2530/2011 and 1063/2021 as forged documents under section 77A of the Registration Act.

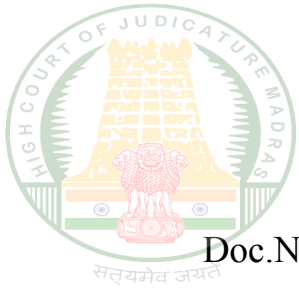
3. The brief facts are that the petitioner had purchased the properties in Plot Nos.19 and 20, Subhiksha Nagar layout comprised in S.No. 429/1A1C, Karadikkal Village, Thirumangalam Taluk, Madurai District measuring 2500 sq.ft., in registered sale deed vide Doc.No.1063 of 2021. The petitioner's vendor namely Manikandan had earlier purchased the said plot in Doc.No.2530/2011. The petitioner has obtained Patta No.5020 from the competent revenue authorities after due inspection and verification. However, to the shock and surprise of the petitioner that a private complaint dated 29.09.2022 was given by the third respondent to the first respondent to cancel the documents, a complaint was preferred



W.P.(MD)No.17496 of 2025

under section 77A of Registration Act. The contention of the petitioner is that the first respondent without affording any opportunity of personal hearing or notice to the petitioner had mechanically without application of mind has passed the impugned order. Both the documents were executed by lawful power agents of the original land owners. The third respondent has not raised any objection at the time of issuance of patta. Further, there is no case of impersonation, fraud or procedural irregularity. Further, the issue raised by the third respondent ought to be adjudicated before civil Court and not under section 77A. Hence, the petitioner prayed to quash the impugned order.

4. The Section 77A of Registration Act was challenged before the Hon'ble Division Bench of this Court in the case of ***Kathirvel vs District Registrar in WP.(MD)No.12955 of 2023 etc., batch*** cases and the Hon'ble Division Bench has held that Section 77A as ultra vires. The present impugned order is passed under Section 77A. Since the Section is declared as ultra vires the order passed under section 77A would become *non-est* in the eye of law. Therefore, the impugned order is liable to be quashed. Accordingly, the impugned order dated 19.06.2023 is quashed. If the third respondent is aggrieved by the execution of the sale deeds in



W.P.(MD)No.17496 of 2025

Doc.Nos.2530/2011 and 1063/2021. he is at liberty to challenge the same before the competent civil court.

5. With the above said observations, this writ petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

2/2

NCC : Yes / No

Internet : Yes

gvn



W.P.(MD)No.17496 of 2025

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2. The Sub Registrar O/o.The Sub-Registrar,
Checkanoorani Sub Registrars Office,
Checkanoorani, Madurai District.



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W.P.(MD)No.17496 of 2025

S.SRIMATHY, J.
gvn

ORDER MADE IN
W.P(MD)No. 17496 of 2025

DATED : 08.08.2025
2/2