



W.P.(MD)No.19377 of 2025

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.19377 of 2025

Viruthambal

...Petitioner

Vs.

1. The Inspector General of Registration,
Raja Annamalaipuram,
Chennai - 600028.

2. The Deputy Inspector General Of Registration,
Rajagambeeram,
Yanamalai Othakadai,
Madurai - 625107.

3. The District Registrar, Madurai South,
Madurai - 625001.

4. Balasundari.

...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 of the impugned orders in Na.Ka.No. 10509/Aa4/2022 dated 07.02.2025 and the subsequent order in Na.Ka.No. 3845/Aa4/2022 dated 04.03.2025 on the file of 2nd respondent and quash the same as illegal and consequently direct the respondents to cancel the forged sale deed in Doc.No.5716/1999 dated 02.11.1999 within a time limit as stipulated by this Honourable Court and pass such further or other



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orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

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For Petitioner : M/s..I. Romeo Roy Alfred

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader
For R1 to R3

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Certiorarified Mandamus* calling for the records of the impugned orders in Na.Ka.No.10509/Aa4/2022 dated 07.02.2025 and the subsequent order in Na.Ka.No.3845/Aa4/2022 dated 04.03.2025 on the file of 2nd respondent and quash the same as illegal and consequently direct the respondents to cancel the forged sale deed in Doc.No.5716/1999 dated 02.11.1999 .

2. Through the impugned order, the respondents refused to pass any final order since Section 77A struck down by the Hon'ble Division Bench of this Court. The brief facts are that the petitioner is a stenotypist in the Government Medical College and he was retired in the year 2006. The petitioner is having two sisters namely Meenambal and Panchavarnam. The fourth respondent herein is the daughter of



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Panchavarnam. The elder sister Meenambal had no children and died in

the year 2007 and her husband predeceased in the year 1966. The said

Meenambal had a self-acquired property in S.No.440/1, to an extent of

749 Sq.ft, at Madakulam Village through sale deed dated 28.09.1971. In

the year February 1979, she purchased 3 cents of land in S.No.97/9B in

Doc.No.609 of 1979. Thereafter, constructed house in the said plot. The

said Meenambal was residing till her demise i.e, on 14.12.2007. The

fourth respondent frequently visited the said Meenambal and threatened as

if she was taking care of the said Meenambal. The children of

Panchavarnam and the petitioners are the surviving legal heirs of the said

Meenambal, they are entitled to succeed the said properties. But all of a

sudden, the fourth respondent illegally occupied the house located in

S.No.97/9B and took possession of the same. When the petitioner

questioned the same, the fourth respondent showed a forged sale deed

claiming to have been executed by the said Meenambal in the year 1999.

Hence, the petitioner had preferred a complaint. However, the third

respondent without appreciating the facts, passed an order dated

17.02.2022. The petitioner preferred an appeal before the second

respondent. The respondents failed to entertain the appeal. Hence, the

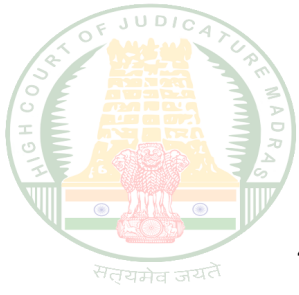
present writ petition.



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3. On perusal of the the impugned order it reveals that the respondents have stated that since the appeal has been preferred under section 77A of the Registration Act. But, the said section was strucked down by the Hon'ble Division Bench of this Court, therefore, they could not entertain the appeal. The respondents are absolutely right after the declaration of Section 77A of Registration Act as ultra vires, then the respondents are not having power to entertain the appeal. Even in the order passed in Na.K.aNo.240/Aa2/2022 dated 17.02.2022 passed by the third respondent is an order passed without power and the same is *non-est* in the eye of law. When the appeal is preferred against the said order, the respondents are not entitled to entertain the appeal. Therefore, the impugned order declining the entertainment of the appeal is valid. If the petitioner is aggrieved by the sale deed executed in favour of the 4th respondent, he shall get appropriate remedy before the competent civil Court. The petitioner is at liberty to initiate proceedings under Civil Law. The order impugned in this writ petition is sustained.



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4. With the above said observations, this writ petition is dismissed.

WEB COPY No costs.

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NCC : Yes / No

Internet : Yes

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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED : 08.08.2025