



W.P.(MD) No.24112 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.24112 of 2023

R.Suresh Kumar ... Petitioner

Vs

1 The District Registrar (Administration),
Registration Department,
District Registrar Office,
Thanjavur District.

2 A.Muniraj ... Respondents

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 records relating to the impugned order culminated in Moo.Mu.No. 1971/Aa4/2023, dated 05.09.2023, on the file of the 1st respondent and quash the same as illegal, ultra virus, without jurisdiction and by way of Mandamus directing the 2nd respondent not to alienate or encumber the property comprised in Old S.F.No.163/7 Part, New. S.F.No.399/3, admeasuring to an extent of 441 Sq.ft., situated at Varagur Village, Thiruvayaru Taluk, Thanjavur District.



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For Petitioner : Mr.Shangar Murali

For Respondent 1 : Mr.P.T.Thiraviyam,
Govt. Advocate.

For Respondent 2 : Mr.S.Selvakumar

ORDER

The impugned order has been passed on the strength of 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.

2. Since the impugned order is based on a provision, which has been struck down, it cannot be sustained.

3. Writ Petition is, accordingly, allowed. No costs. Consequently, the connected W.M.P.(MD) No.20279 of 2023 is closed.

4. Needless to add, it is open to the petitioner and the second respondent to work out their rights by approaching the jurisdictional civil court.

16.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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V.LAKSHMINARAYANAN, J.

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