



W.P(MD)No.26390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.26390 of 2023

and

WMP(MD)No.22703 of 2023

R.Roselin Rajarathinam

.. Petitioners

Vs.

1. The District Registrar (Administration),
District Registrar Office,
Madurai (South),
Madurai District.

2. The Join Registrar – I,
Madurai (South),
Madurai District.

3.J.Amal Stephen

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.6736/Aa2/2023 dated 05.09.2023 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the 1st Respondent to conduct fresh enquiry in light of Section - 83 of Tamilnadu Registration Act, 1908 and circular in Letter No. 41530/U1/2017 dated 08.11.2017 and to cancel the forged gift deed in Document No.553 of 2019 dated 28.01.2019.



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For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.S.Saji Bino
Special Government Pleader for R1 & R2
: No appearance for R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.No. 6736/Aa2/2023 dated 05.09.2023 on the file of the Respondent No.1 and consequently, to direct the 1st respondent to conduct fresh enquiry in light of Section - 83 of Tamilnadu Registration Act, 1908 and circular in Letter No. 41530/U1/2017 dated 08.11.2017 and to cancel the forged gift deed in Document No.553 of 2019 dated 28.01.2019.

2.Through the impugned order, the official respondents have denied to take the petitioner's complaint stating that the issue cannot be decided by the Registrar under Section 77A, hence, the petitioner's complaint cannot be taken for further hearing. Aggrieved over the same, the present writ petition is filed.

3.In the Hon'ble Larger Bench, the issue is settled stating that the dispute regarding title cannot be decided by the Registrar under Section 77A. Further, the Hon'ble Full Bench has stuck down the Section 77 A itself.



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4. Therefore, the impugned order declining to entertain the petitioner's complaint under Section 77A is legally valid.

5. Therefore, this Court is not inclined to set aside the impugned order since the same is valid as stated supra. The official respondents are empowered, if any criminal case is made out under Sections 82 and 83 of the Act. If any criminal case is made out, appropriate proceedings may be initiated. But the official respondents are not having power to decide the title dispute between the parties. The petitioner is at liberty to approach the competent Civil Court.

6. With the above said observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

Tmg



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To

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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.26390 of 2023
and
WMP(MD)No.22703 of 2023**

DATED : 08.08.2025