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W.A.No.524 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.524 of 2026

Augustin Chellaih .. Appellant
Vs.

1. Marcus Frederick Lazaro
2. The Inspector General of Registration
100, Santhome High Road
Mullima Naar, Mandavelipakkam
Raja Annamalai Puram, Chennai – 600 028.
3. The District Registrar
Chennai South, Integrated Building for Office of the
Commercial Taxes and Registration Department
Fanepet, Nandanam, Chennai – 600 035.
4. The Sub Registrar
Joint II-Saidapet, Fanepet
Nandanam, Chennai – 600 035.

[Cause title accepted vide order dated
11.02.2026 in C.M.P.No.3394 of 2026
in W.A.Sr.No.165776 of 2025] .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order made in W.P.No.32438 of 2025 dated 08.09.2025.

For the Appellant : Mr.L.Chandrakumar

For the Respondents : Mr.U.Baranidharan
Special Government Pleader
for R2 to R4



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JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by the Writ Court dated 08.09.2025 made in W.P.No.32438 of 2025.

2. The present appellant was the fourth respondent in the writ petition, who got an order from the District Registrar, canceling the sale deed or document, by invoking Section 77A of the Registration Act, 1908¹ by the order dated 12.07.2023. The said order was under challenge in the said writ petition filed by the present first respondent, who stood as the writ petitioner.

3. The learned Writ Court, having taken note of the law declared by the Division Bench of this Court in the case of **M.Kathirvel vs. Inspector General of Registration, Department of Registration and Ors.**² has allowed the said writ petition. Assailing the same, the present writ appeal has been directed.

¹ In short, hereinafter referred as "the Act of 1908".

² 2024 SCC Online Mad 6154



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4. In fact, the law having been declared so by the Division Bench in **M.Kathirvel's** case (cited *supra*), in paragraph 176, some of the writ petitions were allowed, as those writ petitions were filed challenging the orders passed by the respective District Registrars, invoking Section 77A of the Act of 1908. Relevant portion of the order passed by the Division Bench in the case of **M.Kathirvel** (cited *supra*) in paragraph 176 reads thus:-

"176. W.P.(MD)Nos.12208, 1366, 9213, 14121, 13172, 13895, 13746, 3419 of 2023, 8679/2023, W.P.Nos.15543, 13188, 22561, 31075, 31079 of 2023; W.A.Nos.2963, 2211, 2386 of 2023, 575 of 2024; W.P.Nos.15557, 13567, 8305, 10525, 22570, 9386, 15825 of 2023:

The above writ petitions are filed challenging the orders passed by the District Registrar cancelling the document on the ground that the registration of the document are in contravention of Section 22-A and Section 22-B. In view of the decision taken by this Court by declaring Section 77-A is unconstitutional, all these writ petitions are allowed and the impugned order passed by the respective District Registrars by invoking the power under Section 77 are set aside."

5. Therefore, the order passed by the District Registrar dated 12.07.2023, invoking Section 77A of the Act of 1908, which was impugned before the Writ Court, has to be set aside and the writ petition was to be allowed, which in fact has been allowed by the learned Writ Court through the order impugned, of course correctly, by following the exact dictum made by the Division Bench in the case of **M.Kathirvel** (cited *supra*).



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6. Therefore, we do not find any reason to interfere with the said order passed by the Writ Court, which is impugned herein. As a result of which, the appeal fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.5094 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
25.02.2026

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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