

WEB COPY

WP No. 11021 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 11021 of 2024 &
WMP.No.12102 of 2024**

1. CHAKKARAVARTHY
S/o.Komaarapillai, Kaatukottai,
Thimmalai Village And Post,
Kallakurichi Circle, Kallakurichi
District.

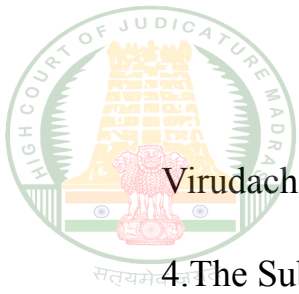
Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Secretary To Government,
Commercial Tax And Registration
Department, Fort St.George, Chennai-
600 009.

2.The Inspector General of Registration
100, Santhome High Road, Mullima
Nagar, Mandavelipakkam, Raja
Annamalai Puram, Chennai-600 028.

3.The District Registrar
(Administration)
No.320/22, Cuddalore Main Road,



Virudachalam-606 001.

4.The Sub Registrar

Ulundurpet, No.18/1, SH 69,
Menachipuram, Ulundurpet-606 107.

5.GOVINDARAJU

S/o.Naangooraan, No.49A, Door
No.39, Muttiyam, Rishivandhiyam
Post, Sakarapuram Circle,
Kallakurichi District.

Respondent(s)

PRAYER: Writ Petition filed under Art.226 of the Constitution of India praying for issuance of writ of certiorari to call for the records of the order passed by the 2nd respondent in his proceedings No. 3850/U2/U3/2022 dated 07.07.2023 confirming the order dated 15.12.2022 passed by the 3rd respondent and to quash the same as illegal and without jurisdiction.

For Petitioner(s): Mr. R. Sanjay (appeared through VC)
for Mr. Sharath Chandran

For Respondent(s): Mr. Abishek Murthy, GA
For R1 to R4 Mr.S.Ayyathurai
for R5

ORDER

The present writ petition is filed seeking issuance of Writ of Certiorari to call for the records of the order passed by the 2nd respondent in his proceedings No. 3850/U2/U3/2022 dated 07.07.2023 confirming the order dated 15.12.2022



passed by the 3rd respondent and to quash the same as illegal and without jurisdiction.

3. According to the petitioner, the 3rd respondent, in exercise of power under Section 77-A of the Registration Act, 1908, passed an order dated 15.12.2022 cancelling two sale deeds bearing Doc.Nos.3160 of 2009 and 1513 of 2010, executed in favour of the petitioner and two settlement deeds bearing Doc.Nos.1130 of 2019 and 1131 of 2019, executed by petitioner in favour of his daughter and wife, which was registered on the file of the 4th respondent on the premise that they are fraudulent documents. Aggrieved over the same, the petitioner preferred an appeal before the 2nd respondent, who, by the order impugned herein, dated 07.07.2023, affirmed the order passed by the 3rd respondent.

4. It is submitted by the learned counsel for the petitioner that the order of cancellation of documents has been passed by the 3rd respondent invoking Section 77A of the Registration Act, which has been held to be unconstitutional by the Hon'ble Division Bench of this Court in the case of *M. Kathirvel Vs.*



Inspector General of Registration and others reported in (2024) 4 CTC 769. It

is further submitted that in as much as section 77-A of the Registration Act has been found to be *ultra vires*, any proceeding invoking the said provision cannot be sustained. Hence, the order dated 15.12.2022 passed by the 3rd respondent invoking 77-A of the Act and on the basis of which, the impugned order has been passed, is not sustainable.

5. The relevant portion of the order of the Division Bench is extracted hereunder:

'178. Section 68(2) of Registration Act was interpreted to confer power on the District Registrar to cancel the document for irregularities in registration. As this Court has already held that Section 77-A of the Act is unconstitutional as it is contrary to the object of the Act, any circular or order or direction enabling the District Registrar or Registering Officer to cancel registration or invalidating any transaction is unconstitutional and hence, the impugned Circular, dated 8.11.2017 is declared as unconstitutional. The Writ Petition stands allowed.'



6. In view thereof, this Court is inclined to set aside the impugned order.

Accordingly, this Writ Petition is allowed by setting aside the order impugned.

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It is open to the parties, if aggrieved, to work out their remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

msr

05-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.The State Of Tamil Nadu

Rep. By Its Secretary To Government,
Commercial Tax And Registration
Department, Fort St.George, Chennai-600
009.

2.The Inspector General of Registration

100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai-600 028.

3.The District Registrar (Administration)

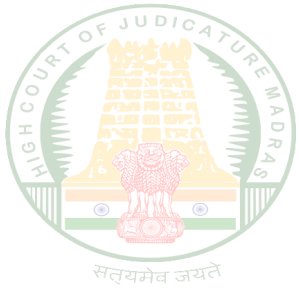
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MOHAMMED SHAFFIQ J.

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