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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 16.04.2024	*Delivered on 02.08.2024*

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.Nos.10291/2022, 8768 , 31075, 31079, 18883/2023, **WP[MD].Nos.**6556, 7088, 7385, 7958, 8836, 9213, 13330, 13746, 13824, 14069, 15557, 7836, 13172, 13895/2023, 10604/2020, 16445/2022, 21199/2022, 7262, 7267 7704, 8357, 8445, 8653, 8679/2023**,** 8999, 9024, 9120, 9125, 9534, 9550, 9554, 9919, 10729, 10818, 11891, 12208, 12694, 13642, 13666, 13770, 13995, 14055, 14121, 14567,14674, 15020, 15477, 15553, 10993, 19148/2023, 3419, 4983, 5396, 5397, 5782, 6215, 6333, 6686, 8421, 8550, 8558, 8765, 8814,9975, 10315, 10858/2023, **WP.No.**11009/2023, **WP.[MD].Nos.**11121, 11273, 11890, 13188,14353, 15105, 15120, 15172, 15543, 15822, 18274, 22561, 8987, 9163, 9691, 10718, 13147, 6457, 6709, 9770, 9936, 10352, 13000, 8095, 8175, 7852, 5419/2023, 831, 4073, 12480, 14546, 17719, 18419, 24610, 24805/2022, 2734, 2792, 4840, 5108, 5399, 5413, 5418, 5449, 5492, 5497, 6288, 6443, 6850, 7444, 7920, 8305, 8600, 8832, 9386, 9523, 9556, 9563, 9638, 9681, 10378, 10525, 10705, 12885, 13385, 13567, 13994, 14402, 14865, 15197, 15825, 22570, 29682, 7052/2023 ; **WP.No.**26952/2022, 19264, 20907/2023, 4161/2024, 15128, 15905 & 31128/2023 **and** **WA.Nos.**59/2024, 3260/2023, 2963/2023, 2915, 2917, 2918, 2924/2023, 575/2023**,** 3298/2023, 794, 1130, 2211, 2386, 850, 2893, 3459, 3465, 3469, 3483, 3227/2023

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WMP.Nos.9999, 10000/2022 & 8948, 9265, 18124, 2911/2023, 26163/2022, 18510, 20277, 20278/2023, 4466/2024, 14621, 29635, 15373, 30756, 30757/2023
& **CMP.Nos.**363/2024, 26556, 24584, 24587, 24182, 24186, 24196, 24253/2023, 3990/2024, 26820/2023, 7647, 11353, 19187, 20049, 24052, 28300, 28314, 28337, 28421, 26404/2023 & **WMP [MD].Nos.**6214, 8305, 11557, 11918, 13340, 13077, 11133, 11134, 11735, 11736, 11876, 6858, 7696, 7697, 8637, 7950, 13162, 8509, 10441, 11502, 11503, 11518, 11517, 11588, 11592, 11593, 11892, 11890, 11975, 13976, 3177, 3180, 19726, 7745, 9763, 9162, 9705, 9837, 11151, 12712, 12726, 12727, 14821/2023, 7695/2024, 15059, 13234, 17473, 17474, 18809, 8566, 11122, 6333, 8608, 8610/2023, 676, 3481/2022, 2489, 4526, 4794, 5069, 7784, 5232, 5975, 5977, 7643, 7644, 8945, 8538, 8540, 8562, 9189, 9351, 9353, 10916, 11287, 11289, 11443, 11444, 12543, 12789,13235, 13236, 18815, 18816, 25675/2023

WP.No.10291/2022:-

M.Kathirvel ... Petitioner

Vs.

1.The Inspector General of Registration
Department of Registration,
100, Santhome High Road
Chennai-28.

2.The Additional Inspector General of Registration
Department of Registration,
100 Santhome High Road, Chennai-28.

3.The Deputy Inspector General of Registration

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Room No.312, 3rd Floor, Collector Office Building
Salem-1.

4.The District Registrar [Administration]
Salem [East], Salem.

5.The Sub Registrar
Vazhapadi.

6.Mr.N.Sridhar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records and quash the proceedings before the 4th respondent in Na.Ka.No.1431/E3/2022 dated 16.03.2022.

For Petitioner : Mr.S.Sathiaseelan

WP.[MD].No.6556/2023:-

M.Mariammal ... Petitioner

Vs.

1.The Inspector General of Registration
Registration Department
Santhome Home, Chennai.

2.The District Registrar,
Tenkasi District, Tenkasi.

3.The Sub Registrar,
Surandai Sub Registration Office
Surandai, Tenkasi District.

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4.Vasanthakumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 2 to take action against 3rd and 4th respondents registering the fraudulent registration and to cancel the fraudulent sale deeds in Doc.No.2706/2021 dated 06.07.2021 and subsequent registrations made before the 3rd respondent office based on the representation dated 13.01.2023.

For Petitioner : Mr.KR.Bharathi Kannan

WP.[MD].No.7088/2023:-

Mahmoodhul Hasan ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome High Road, Chennai 600 028.

2.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of Registration
Integrated Registration Office Campus,
Rajakambeeram, Y.Othakadai
Madurai.

3.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of Registration
Ramanathapuram Zone, Ramanathapuram
Ramanathapuram District.

4.The District Registrar,

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O/o.The District Registrar,
Ramanathapuram, Ramanathapuram District.

5.The Sub Registrar
O/o.The Sub Registrar [Joint No.1]
Ramanathapuram, Ramanathapuram District.

6.Ilamaravaltuhi
7.Senthilnathiban
8.Kalyani
9.Nithiya
10.A.Selvaraj ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 3 and 4 herein to conduct the enquiry for cancelling the documents No.235/2011 Settlement Deed and the Sale Deeds Doc.Nos.488/2016, 688/2016 on the file of the 5th respondent by considering the petitioner's accordance with law within time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

WP.[MD].No.7385/2023:-

Amutha ... Petitioner

Vs.

1.The District Registrar
District Registration Office
Pudukottai District.

2.The Sub Registrar,
Sub Registrar Office, Illuppur, Pudukottai.

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3.Bhavunammal
4.Manickam
5.Chellappa ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct the enquiry in connection with the fraudulent registration of the sale deed Doc.No.466/2011 on the file of the 2nd respondent office by considering petitioner's representation dated 03.02.2023 to act upon the circular letter No.41530/U1/2017 dated 25.03.2022 issued by the Inspector General of Registration in accordance with law.

For Petitioner : Mr.B.Mahendrarajan

WP.[MD].No.7444/2023

Mohammed Yasin ... Petitioner

Versus

1.The District Registrar [Admin]
Registration Department,
Sivagangai District, Sivagangai.

2.The Sub Registrar
Registration Department
Ilayangudi, Sivagangai District.

3.Vajigabanu
4.Janab Hidhayathullah
5.Riswana Begum
6.J.Tharussalam ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution

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directing the 1st respondent to dispose of the representation of the petitioner dated 01.03.2023 made u/s.77-A of the Tamil Nadu Registration Act for contemplation of enquiry relating to the cancellation of the fraudulent registration of the documents namely Sale Deeds dated 24.09.2018, 15.02.2023 and registered on 27.02.2023 executed by the respondents No.3 to 6 herein and registered the same with the office of the 2nd respondent without any legal right over the property under the said documents within a time frame as may be fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

WP.[MD].No.7958/2023:-

Ammalu ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Chennai 600 028.

2.The District Registrar
Office of the District Registrar,
Sivagangai District.

3.The Sub Registrar
Joint Sub Registrar Office I
Sivagangai District.

4.Mr.Alagusundar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the sale deed for impersonation as one petitioner's deceased father namely Sethu son of Vellaisamy [died on 27.03.2023] in his own land in S.No.337/5, to an

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extent of 0.12.2 hectare and S.No.373/3, to an extent of 0.30.0 hectare in Athappadaki Revenue Village, Kalayarkovil Taluk, Sivagangai District by one namely, V.Ramu vide registered Doc.No538/2015 dated 23.03.2015 in the 3rd respondent office and consequently allow further registration in future by the proper owners of the lands based on the petitioner's representation on 27.03.2023 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

WP.[MD].No.8836/2023:-

K.J.Sujatha ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.

2.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
2nd Floor, Government Multi Storeyed Building
Kajamalai, Trichy 620 020.

3.The District Registrar [Administration]
O/o.The District Registrar, Pudukkottai District 622001.

4.The Sub Registrar,
O/o.The Sub Registrar,
Kulathur, Pudukkottai District.

5.The Tahsildar
Kulathur, Pudukkottai District.

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6.Palaniappa @ Palanisamy
7.Gavaskar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 4 to cancel the fraudulent settlement deed executed by the 6th respondent in favour of the 7th respondent in Doc.No.122/2013 dated 11.01.2013 before the 4th respondent in respect of the petitioner property in S.NO.61/1, situated at Visalur Village, Kulathur Taluk, Pudukkottai District.

For Petitioner : Mr.R.Maheswaran

WP.[MD].No.9213/2023:-

Meera Varghese ... Petitioner

Vs.

1.The District Registrar [Administration]
O/o.The District Registrar
Marthandam, Kanyakumari District.

2.The Joint Sub Registrar
O/o.The District Registrar,
Marthandam, Kanyakumari District.

3.Mr.Joseph Emmanuel ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records permission to the Impugned Order in En.2326/Aa/2020 dated 11.04.2023 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.J.Pandi Dorai

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WP.[MD].No.13330/2023:-

S.Kanga Sabapathi ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road, Chennai 600 028.

2.The District Registrar,
Madurai North Registrar Office
Rajakambeeram, Y.Othakadai
Madurai 625 107.

3.The Sub Registrar,
Melur Sub Registrar Office
Madurai District.

4.A.Boomadevi
5.S.Revathi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to consider petitioner's representation dated 10.04.2023 demanding to cancel the fraudulent sale deed executed by his father by giving false statement in the name of the 4th respondent and within time frame that may be fixed by this Court.

For Petitioner : M/s.Mohamed Associates

WP.[MD].No.13746/2023:-

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Santhi ... Petitioner

Vs.

1.The Inspector General of Registration of Tamil Nadu
O/o.The Inspector General of Registration
Santhome High Road, Chennai.

2.The District Registrar [Administration]
Madurai [South], [Deputy Inspector General of Registration]
Rajagampeeram, Madurai.

3.The Sub Registrar,
Chellampatti Sub Registration
[Now at Sindhupatti], Sindhupatti
Madurai.

4.K.Chandraasekaran
5.G.Nimaritha
6.G.Nivitha ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the order passed by the 2nd respondent in No.596/A2/2023 dated 28.03.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Ganapathi Subramanian

WP.[MD].No.13824/2023:-

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R.Ramya ... Petitioner

Vs.

1.The District Registrar
O/o.The District Registrar [South]
Madurai South, No.171, Palace Road
Madurai 625 001.

2.The Sub Registrar,
O/o.The Sub Registrar,
Sholavandan, Madurai District.

3.M.Padmanabhan @ Alagappan
4.S.Vijaya @ Ayyammal @ Petchiammal
5.M.Murali
6.M.Gokulnath ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records relating to the Impugned Order passed by the 1st respondent through his official proceedings Na.Ka.No.2914/AA2/2023 dated 03.04.2023 and quash the same as illegal and consequently direct the 1st respondent to cancel the registered deed Doc.No.558/2023 dated 16.02.2023 registered before the Sub Registrar, Sholavandan Sub Registration Office, Sholavandan, Madurai in respect of the lands situated in Re.S.No.269/1, S.No.269/2, S.No.269/3, S.No.270/1, S.No.270/2 [Patta No.1043] totally consists of Acre 4 cents 35 of Nanja land situated in ayan Thenkarai Village, Vadipatti Taluk, Madurai District based on the representation dated 17.03.2023.

For Petitioner : Mr.R.Santhanam

WP.[MD].No.14069/2023:-

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A.Narayanan ... Petitioner

Vs.

1.The Deputy Inspector General of Registration
Trichy Zone, Registration Department
Tiruchirappalli 620 023.

2.The District Registrar,
District Registrar Office
Court Compelx, Tiruchirappalli.

3.The Sub Registrar,
Sub Registrar Office
Woraiyur, Tiruchirappalli District.

4.K.P.R.Arjunan
5.R.Govindaraj
6.R.Balamuthu
7.Suseela
8.Rajeswari
9.T.Rengasamy
10.E.Saroja
11.S.P.N.Sathiamoorthy ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to direct the respondents 1 to 3 expedite the enquiry about the fraudulent registration made by the respondents 4 to 10 through the sale deed registered as Doc.No.965/2014 dated 20.12.2013 on the file of the 3rd respondent and cancel the same as per section 77A of the Registration Act, Tamil Nadu Amendment Act 41 of 2022 by considering the petitioner representation dated 21.01.2023.

For Petitioner : Mr.T.Leninkumar

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WP.[MD].No.15557/2023:-

Kesavan ... Petitioner

Vs.

1.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.

2.The District Registrar,
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.

3.The Sub Registrar,
Sub Registrar Office
Vadipatty, Madurai District.

4.The Revenue Divisional Officer
Revenue Divisional Office,
Madurai District.

5.The Tahsildar
Tahsildar Office
Vadipatti Taluk,
Madurai District.

6.Mr.T.Radhakrishnan
7.Mr.T.Sasikumar
8.Mrs.Sithalakshmi
9.Mrs.Sasikala
10.Mr.Ashokraja

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11.Mrs.Rajasri
12.Mrs.Rajalakshmi
13.Mrs.Marammal
14.Mrs.Pappathi
15.The Secretary [In charge]
Alanganallur Primary Cooperative
Agricultural & Rural Development
Bank Limited, Alanganallur
Madurai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose of the petitioner petition dated 15.05.2023 and to cancel the fraudulently registered document No.1098/2023 dated 04.05.2023 on the file of the 3rd respondent office within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

WP.[MD].No.7836/2023:-

Isabella Raja ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.

2.The District Registrar
Palyamkottai Registration District
District Collectorate,
Thirunelveli 627 009.

3.R.Balagopal ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to conduct a fair enquiry and to cancel the illegal power of attorney deed executed in favour of the 3rd respondent without any previous documents and without specifying any monetary transactions vide document No.188/2006 dated 31.10.2006 based on the petitioner's representation dated 13.03.2023 made to the 2nd respondent in person.

For Petitioner : Mr.C.Selvakumar

WP.[MD].No.13172/2023:-

1.Deivasigamani
2.Sumathra ... Petitioners

Vs.

1.The District Registrar [Administration]
I/C.Assistant Director of Registration
Madurai South, Madurai.

2.K.E.Rajendran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to Impugned Order dated 03.05.2023 made in Na.Ja.No.8332/Aa2/2022 passed by the 1st respondent and quash the same.

For Petitioner : Mr.C.Senthil Murugan

WP.[MD].No.13895/2023:-

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Riyaz Mohammed ... Petitioner

Vs.

1.The District Registrar [Admin]
District Registrar Office, Tirunelveli District.
2.The Sub Registrar,
Sub Registrar Office
Mulakkaraipatti, Sub Registrar Office
Tiruneveli District.

3.Syed Ibrahim ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records calling for the records of the Impugned Order passed by the 1st respondent in Na.Ka.No.9525/F5/2022 dated 12.04.2023 and quash the same

For Petitioner : Mr.J.Joseph Zinoson

WP.[MD].No.10604/2020:-

S.A.Abdul Majeed ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
100, Santhome High Road, Foreshore Estate
Chennai-28.

2.The District Registrar
O/o.The District Registrar,
Registration Department
Thanjavur, Thanjavur District.

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3.The Sub Registrar
O/o.The District Registrar,
Registration Department
Ayyampettai, Thanjavur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose petitioner's representation dated 19.08.2017 in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.S.M.A.Jinnah

WP.[MD].No.16445/2022:-

Dennison ... Petitioner

Vs.

1.The District Registrar,
Thoothukudi District, Thoothukudi.

2.The Sub Registrar, Perungulam
Sub Registrar Office, Perungulam
Thoothukudi District.

3.Samuvel Nadar
4.Selvamani ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 2 to conduct enquiry about the fraudulent registration made by respondents 3 and 4 through the sale deed registered as Doc.No.190/2004 dated 05.05.2004, Doc.No.191/2004 dated 05.05.2004, Doc.No.720/2011 dated 08.09.2011

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and a power of attorney deed registered in Doc.No.16/2004 dated 05.05.2004 in view of the circular issued by the Inspector General of Registration, Chennai in Letter NO.41530/U1/2017 dated 31.07.2018 and make necessary foot note in the documents and entry in the index if the fraudulent registration is proved by considering the petitioner's representation dated 14.07.2022.

For Petitioner : Mr.T.Lenin Kumar

WP.[MD].No.21190/2022:-

Deivanai ... Petitioner

Vs.

1.The District Registrar
Virudhunagar Registration District
Virudhunagar District.

2.The Sub Registrar
Seithur Sub Registrar Office
Virudhunagar Registration District.

3.G.Marimuthu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct an enquiry on the representation dated 18.06.2022 and pass final orders within the stipulated period.

For Petitioner : Mr.M.Jothi Babu

WP.[MD].No.7262/2023:-

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Vinobha Bave Sarvodhaya Samuka
Seva Sankam [10/2014]
[formerly known as Sarvodhaya Samuka
Sevan Sangam No.3/1957]
rep.by its Secretary,
25/18, Ramavarman New Street
Vadasery, Nagercoil 629 001. ... Petitioner

Vs.

1.The Inspector General of Registration
Department of Registration
100, Santhome Road, Chennai 600028.

2.The Deputy Registrar,
Tirunelveli. ... Respondents

****R2 suo motu impleaded vide Court order dated 31.03.2023 in WP [MD] No.7262/2023]**

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondent to consider the representation dated 22.08.2022 within the time to be fixed by this Court.

For Petitioner : Mr.P.Selvakamatchi

WP.[MD].No.7267/2023:-

1.J.Thomas
2.Arockiasamy
3.A.C.kaliyamoorthy ... Petitioners

Vs.

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1.The Inspector General of Registration
O/o.The Inspector General of Registration
NO.100, Santhome High Road, Chennai 600 028.

2.The Deputy Inspector General of Registration,
O/o.The Registrar General, Trichy District.

3.The District Registrar,
The District Registrar office
Trichy District.

4.The Sub Registrar
K.Sathanoor Sub Registrar Office
Trichy District.

5.Vellakannu
6.Ramesh
7.Renganathan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 3 herein to conduct the detailed enquiry with regard to registration of the fraudulent sale deeds vide No.5170 and 5171/2018 dated 10.12.2018 by the 4th respondent and cancel the same and also to initiate prosecution against the 4th respondent in accordance with law by considering the petitioner representation dated 23.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

WP.[MD].No.7704/2023:-

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K.Ramaraj ... Petitioner

Vs.

1.The District Registrar
Registration Department
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Registration Office, Rajapalayam.

3.Syed Islam
4.Syed Nizam Banu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct appropriate enquiry on petitioner's representation dated 11.05.2022 pertaining to petitioner's property in survey No.35/1 and to pass appropriate orders to cancellation of the registration of fraudulent and forged documents registered as Doc.Nos.1426/2008, 2907/2008 and 2774/2011 and 1115/2002 at SRO, Rajapalayam, Virudhunagar District.

For Petitioner : M/s.Polax Legal Solutions

WP.[MD].No.8357/2023:-

D.Jeyanthi Rani ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome Highways,

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Pattinapakkam, Chennai 600 028.

2.The District Registrar [Administration]
District Registrar Office
madurai [North], Othakadai
Madurai District.

3.Mr.P.Nagarajan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the Impugned Order in NO.5517/R2/Aa2/2020 dated 19.12.2022 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.I.Pinaygash

WP.No.8445/2023:-

Shoba Prakassh .. Petitioner

Versus

1.The Inspector General of Registration
100, Santhome High Road, Santhome
Chennai 600 028.

2.District Registrar [Admin]
O/o.The District Registrar
Nallipalayam Post
Namakkal District.

3.S.Manju Rekha .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

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issuance of Writ of prohibition prohibiting the 2nd respondent from proceeding with the inquiry in Na.Ka.No.1155/Aa7/2023 dated 07.02.2023 as the same is illegal and wholly without jurisdiction.

For Petitioner : Mr.K.Sharath Chandran

WP.[MD].No.8653/2023:-

Valarmathi ... Petitioner

Vs.

1.The District Registrar,
District Registrar Office
Thiruppathur Road
Sivagangai, Sivagangai District.

2.The Sub Registrar,
Sub Registrar Office
Nainarkovil, Ramanathapuram District.

3.Rakkappan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to initiate the enquiry and dispose the petitioner's petition dated 19.01.2023 in respect of cancellation of the fraudulent sale deed created by 3rd respondent bearing Doc.No.128/2009 dated 06.02.2009 registered at 2nd respondent Nainarkovil Sub Registrar Office, Ramanathapuram District.

For Petitioner : Mr.R.Paranjothi

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WP.[MD].No.8679/2023:-

Ramaiah Aananth ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.

2.The District Registrar,
Palayamkottai, Office of the
District Collector's Campus
Kokkirakulam, Tirunelveli.

3.The Sub Registrar,
Nazareth Sub Registrar Office
Tirunelveli District.

4.K.Chinnadurai ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records pertaining to the Impugned Order passed by the 2nd respondent in Na.Ka.No.4491/A3/2022 dated 17.02.2023 and quash the same as violative of the principles of natural justice as well as giving retrospective effect to the amendment to section 77A[1] of the Registration Act, 1908 against the settled propositions of law and consequently direct the 2nd respondent to restore the petitioner's registered Sale Deed dated 05.07.2021 under Doc.No.728/2021 on the file of the 3rd respondent as valid.

For Petitioner : Mr.V.Balaji

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WP.No.8768/2023:-

K.Palanisamy .. Petitioner

Versus

1.The District Registrar
O/o.The District Registrar
Behind Superintendent of Police Office
Namakkal, Namakkal District
Pin code 637 304.

2.The Sub Registrar
Tiruchengode
namakkal District.

3.The Inspector General of Registration
Santhome High Road, Chennai 600 004.

4.R.Thangavel
5.R.Subramanian
6.D.Kalaivani
7.M.Uma Maheswari .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.No.538/Aa7/2023 dated 01.03.2023 so as to quash the same.

For Petitioner : Mr.N.Jothi, Senior counsel for
Mr.S.Vinod

WA.No.59/2024:-

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Mumtaj .. Appellant

Versus

1.The District Registrar [Registration]
Krishnagiri District.

2.K.S.Ramanujam .. Respondents

Prayer : WritAppeal filed under Clause 15 of the the Letters Patent against the order of this Court dated 11.07.2023 in WP.No.19256/2023.

For Appellant : Mr.N.Jothi, Senior counsel for
Mr.S.Vinod

WP.[MD].No.8999/2023:-

B.Kadhar Muhaideen ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Chennai 600 028.

2.The District Registrar
District Registrar Office
No.28, Palaniyappa Street
Near Bus Stand, Pattukkottai
Thanjavur District.

3.The Joint Sub Registrar I

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Joint I Sub Registrar office
Pattukottai, Thanjavur District.

4.The Joint Sub Registrar II
Joint II Sub Registrar office
Pattukottai, Thanjavur District.

5.Abdul Ajish
6.Sakila Begam
7.Nabisha
8.Shahul Hammed
9.Abdul Malik
10.Mumtaj Begum
11.Ameer Mohideen ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the forged documents executed by respondents 5 to 11 before the 3rd and 4th respondents in Doc.No16602022 dated 05.08.2022, Doc.No.1833/202 dated 05.09.2022, Doc.No.1879/2022 dated 12.09.2022, Doc.No.1935/2022 dated 15.09.2022, Doc.No.2286/2022 dated 02.11.2022, Doc.No.2532/2022 dated 06.12.2022, Doc.No.2533/2022 dated 06.12.2022,Doc.No.1958/2022 dated 18.08.2022, Doc.No.2084/2022 dated 07.09.2022 and Doc.No.33/2023 dated 05.02.2023 by concluding his enquiry in Na.Ka.No.3298/A4/2022 dated 10.11.2022 within a stipulated time by considering the petitioner's representation dated 26.10.2022.

For Petitioner : Mr.A.Arun Prasad

WP.[MD].No.9024/2023:-

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Murugesan ... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram
Y.Othakadai, Madurai 625 107.

2.The District Registrar,
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram
Y.Othakadai, Madurai 625 107.

3.The Sub Registrar,
Sub Registrar Office, karuppayaurani
Madurai District.

4.Mr.G.Premkumar
5.Mrs.P.Bharathi
6.Mrs.P.Preethi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose of the petitioner's appeal petition dated 24.01.2023 vide proceedings No.818/A4/2023 with regard to petitioner property situated in old S.No.318/3C, new S.No.38/3C, Sakkimangalam II Bit Village, Madurai East, Madurai District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

WP.[MD].No.9120/2023:-

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A.Amanullah Khan ... Petitioner

Vs.

1.The District Registrar,
Office of the District Sub Registrar
Vandikara Theru, Ramanathapuram.

2.The Sub Registrar,
Kamuthi Registrar Office
Kamuthi, Ramanathapuram District.

3.Senthooran
4.Chellam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to cancel the sale deeds stands in the name of 3rd and 4th respondents in doc.No.46/2005, 1665/2009 and 1660/2009 on the file of the 2nd respondent by perusing all the documents and evidence submitted by the petitioner based on the representation of the petitioner dated 01.09.2022 within a time frame limit as may be fixed by this Court.

For Petitioner : Mr.R.Babu Jaganath

WP.No.9125/2023:-

1.S.Kathirvel
2.S.Selvaraj .. Petitioners

Versus

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1.The Inspector General of Registration
Santhome High Road, Chennai.

2.The District Registrar [Administration]
Collector Office, Nallipalayam
Namakkal.

3.Vadivel
4.Duraisamy .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Prohibition prohibiting the 2nd respondent from proceeding any further in Na.Ka.No.8399/Aa7/2022 dated 14.02.2023.

For Petitioners : Mr.Sharath Chandran

WP.[MD].No.9534/2023:-

M.Alakichi ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road, Pattinapakkam
Chennai 600 028.
2.The District Registrar [Administration]
District Registrar Office, Sivagangai.
3.The Sub Registrar
Sub Registrar Office
Thirupuvanam, Sivagangai District.

4.Manikandan
5.Janaki

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6.Suthanthiram
7.Karuppasamy
8.Pancharaja
9.Selvi
10.Arumugam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records relating to proceeding Na.ka.No.801/E1/2023 dated 06.03.2023 issued by the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to cancel the Doc.No.62/2023 dated 06.01.2023.

For Petitioner : Mr.R.Senthil Kumar

WP.[MD].No.9550/2023:-

R.Sumathi ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome Highways Road, Chennai.

2.The District Registrar [Registration]
Dindigul District, Dindigul.

3.The Sub Registrar,
Joint I Sub Registrar Office
Dindigul, Dindigul District.

4.V.Chockalingam
5.A.Ponnammal ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 3rd respondent to cancel the illegal registration as null and void i.e, the forged documents vide Doc.Nos.642/2006 dated 26.03.2006, 298/1995 dated 10.03.1995 on the file of 3rd respondent in connection with petitioner's property situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District in Patta No.1270 in S.No.1123 to an extent of 1 acre 53 ¾ cents in the light of the petitioner representation dated 06.04.2023 within stipulated time fixed by this Court.

For Petitioner : Mr.P.Senguttarasan

WP.[MD].No.9554/2023:-

K.Subramani ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
100 Santhome High Road, Pattinapakkam
Chennai 600 028.

2.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 001.

3.The District Registrar
O/o.The District Registrar [Madurai South]
No.171, Palace Road, Near Thirumalai Naicker
Palace, Madurai 625 001.

4.The Sub Registrar,
O/O.The Sub Registrar [Madurai South]

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No.171, Palace Road, Near Thirumalai Naicker Palace, Madurai 625 001.

5.Mrs.Suseela
6.Mr.Velmurugan
7.Mr.Muthumanickam
8.Mr.Suresh ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondent No.1 and 2 to initiate appropriate action against the respondents No.5 and 6 for created forged documents registered on the file of the respondent No.3 by considering the petitioner's representation dated 07.02.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

WP.[MD].No.9919/2023:-

M.Pitchaimuthu ... Petitioner

Vs.

1.The District registrar [Administration]
O/o.District Registrar, Velu Nachiyar Valakam, Dindigul, Dindigul District.

2.The Sub Registrar,
O/o.Sub Registrar Office
Chinnalapatti, Dindigul District.
3.Subbammal
4.P.R.Babu
5.A.T.S.Mani
6.Jegan Mohan ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the 1st respondent to conduct enquiry and dispose of the representation of the petitioner dated 23.03.2023 seeking cancellation of the forged documents pertaining to the property belonging to the petitioner's family situated in survey number 89/2B [old S.No.89/2] measuring about 33 cents and in S.No.89/6B [Old S.No.89] measuring about 40 cents totally measuring 73 cents of lands situated at Kalingampatti village, Athoor Taluk, Dindigul District under Section 77-A of the Registration Act registered on the file of 2nd respondent within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

WP.[MD].No.10729/2023:-

K.Senthil Balaji ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome Highways Road, Chennai.

2.The District Registrar, [Registration]
Dindigul District, Dindigul.

3.The Sub Registrar,
Sanarpatti Sub Registrar Office
Dindigul District.

4.P.Murugambigai
5.Shanthi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

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issuance of Writ of mandamus directing the 2nd respondent to cancel the illegal registration as null and void i.e, the forged documents vide doc.Nos.1016/2007 and 1902/2018 on the file of the 3rd respondent as per Tamil Nadu Government Gazette in LA.Bill No.27/2021 dated 02.09.2021 in connection with petitioner's property situated in S.No.340/05 at Vemparpatti, Dindigul East Taluk, Dindigul District in the light of the petitioner representation dated 24.02.2023 within stipulated time fixed by this Court.

For Petitioner : Mr.C.M.Ganesan

WP.[MD].No.10818/2023:-

S.Uma Maheswari ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai 600 004.

2.The District Registrar,
O/o.The District Registrar,
Court Campus, Cantonment
Trichy 620 001.

3.The Sub Registrar
K.Sathanur Sub Registrar Office
Palani Nagar, Trichy 620 021.

4.R.Sethuramani
5.R.Ramesh
6.Pitchai Mohammed
7.Vahitha Banu ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 2 to cancel the fraudulent sale deed in Doc.No.3386/2012 dated 10.07.2012 registered on the file of the 3rd respondent in light of the amended section 77A of the Registration Act, 1908.

For Petitioner : Mr.R.Maheswaran

WP.[MD].No.11890/2023:-

Senthil Balaji.K ... Petitioner

Versus

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome Highways Road, Chennai.

2.The District Registrar, [Registration]
Dindigul District, Dindigul.

3.The Sub Registrar,
Sanarpatti Sub Registrar Office
Dindigul District.

4.P.Murugambigai
5.Shanthi ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the illegal registration as null and void, i.e, the forged documents vide document Nos.1016/2007 and 1902/2018 on the file of the 3rd respondent as per Tamil Nadu Government Gazette in LA.Bill No.27/2021 dated 02.09.2021 in

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connection with petitioner's property situated in Survey No.340/05 at Vemparpatti, Dindigul East Taluk, Dindigul District in the light of the petitioner representation dated 24.02.2023 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.C.M.Ganesan

WP.[MD].No.11891/2023:-

M.Ahamed Masthan ... Petitioner

Vs.

1.The Inspector General of Registration
Office of Inspector General of Registration
Santhome Highways Road, Chennai.

2.The District Registrar [Registration]
Ramanathapuram District, Ramanathapuram.

3.The Sub Registrar,
Kadaladi Sub Registrar Office,
Ramanathapuram District.
4.M.Peer Mohammed
5.M.Syed Isa
6.Syed Abbas ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the illegal registration vide forged Doc.No.80/2022 dated 14.02.2022 and 104/2022 dated 18.02.2022 on the file of 3rd respondent as per Tamil Nadu Government Gazette in L.A.Bill No.27/2021 dated 02.09.2021 in connection with petitioner property situated at in Sundarapandi Village, A.Punavasal Group, Kadaladi Sub District, Ramanathapuram District in S.Nos.339/1C,

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339/7 and 339/1B in the light of the petitioner representation dated 05.05.2023 within stipulated time to be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

WP.[MD].No.12208/2023:-

V.Susila @ Susi ... Petitioner

Vs.

1.The District Registrar [Administration]
Madurai South, Madurai.

2.J.Lalitha
3.R.Jeyaprakash ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records on the file of the 1st respondent pertaining to its proceeding Na.Ka.No.8694/A2/2022 dated 13.04.2023 and to quash the same.

For Petitioner : Mr.V.B.Sundhareshwar

WP.[MD].No.12694/2023:-

M.C.Manickam ... Petitioner

Vs.

1.The District Registrar [Administration]
Sivagangai District, Sivagangai.

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2.The Sub Registrar
Thiruppurvanam, Sivagangai District.

3.Rajkumar Harichand
4.Haran Rajkumar
...
Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct an enquiry u/s.77[A] of the Registration Act, on the basis of the petitioner's representation dated 20.04.2023 to cancel the Gift Deed vide Doc.No.1317/2019 dated 16.05.2019 on the file of the 2nd respondent fraudulently registered by the 3rd respondent in favour of the 4th respondent and for other reliefs within a stipulated period to be fixed by this Court.

For Petitioner : Mr.V.Baskaran

WP.[MD].No.13642/2023:-

T.M.T.Mahadevan ... Petitioner

Vs.

1.The Secretary for Department of Registration
State of Tamil Nadu, Fort St George
Chennai.

2.The District Registrar [Admin]
Dindigul.

3.The Revenue Divisional Officer
Kodaikanal Taluk.

4.The Sub Registrar,

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Sub Registrar Office
Batlagundu, Dindigul District.

5/T.M.T.Pandi
6.R.Venkataraman ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records pertaining to the Impugned Order passed by the 2nd respondent Na.Ka.No.2266/Aa3/2022 dated 05.09.2022, quash the same and direct the 2nd respondent to cancel the document No.691/2022 dated 24.02.2022.

For Petitioner : Mr.K.Prabakaran for
M/s.KPS Law Associates

WP.[MD].No.13666/2023:-

V.Karthigaivalli ... Petitioner

Vs.

1.The District Registrar [Admn]
Madurai South, O/o.District Registrar,
Madurai South, Palace Road
Madurai 625 001.

2.The Joint Sub Registrar No.IV
Madurai South Registration District
Palanganatham, Madurai.

3.The Tahsildar
Madurai South Taluk
O/o.The District Collectorate
Madurai – 20.

4.K.E.Rajendran

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5.E.Povas ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating the impugned proceedings vide Na.Ka.No.8332/A2/2022 dated 03.05.2023 and to quash the same as illegal.

For Petitioner : Mr.M.Sankar

WP.[MD].No.13770/2023:-

P.Maimoon Rani ... Petitioner

Vs.

1.The District Registrar [Administration]
District Registrar Office,
Ramanathapuram, Ramanathapuram District.

2.Mr.Sirajudeen ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the Impugned Order in Na.Ka.No.4374/AA1/2022 dated 05.12.2022 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.I.Pinaygash

WP.[MD].No.13995/2023:-

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Selvaraj ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road, Chennai-28.

2.The District Registrar,
The District Registrar Office
Tenkasi.

3.The Sub Registrar,
Pavoochathiram, Tenkasi.

4.Masthan Nasrudeen
5.Sabinsal Begum ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the registration of the document registered under Doc.No.2782/2021 on the file of the 2nd respondent under section 77A of the Registration Act, 1908 on the basis of the petitioner's representation dated 15.10.2022 following the guidelines of the circular dated 27.09.2022 issued by the 1st respondent within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Ananthkumar

WP.[MD].No.14055/2023:-

P.Chinnasamy ... Petitioner

Vs.

1.The District Registrar [Madurai South]
Madurai south District Registrar Office, Madurai District.
2.The Sub Registrar,

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Thirumangalam Sub Registrar Office
Thirumangalam, Madurai District.

3.The Revenue Divisional Officer
Thirumangalam Sub Division,
Madurai District.

4.The Tahsildar
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

5.The Head Surveyor
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

6.The Surveyor
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

7.The Village Administrative Officer
Vadakarai Village, Thirumangalam Taluk
Madurai District.

8.Palaniyammal
9.Babukannan
10.V.Ravichandran
11.S.Raja ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st and 2nd respondents on the basis of the representation dated 26.05.2023 to cancel the forged sale deed created by the 8th to 11th respondents in impersonated manner vide Doc.No.3901/2016 dated 14.07.2016 within the stipulated time period to be fixed by this Court.

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For Petitioner : Mr.D.Rojaramani

WP.[MD].No.14121/2023:-

A.Godfrey Abraham ... Petitioner

Vs.

1.The District Registrar [Administration]
Marthandam, Vilavancode Taluk
Kanyakumari District.

2.The Sub Registrar,
Office of the Sub Registrar,
Karungal, Killiyoor Taluk
Kanyakumari District.

3.S.Stanislas ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the impugned proceedings passed by the 1st respondent in No.1752/J/2021 dated 29.03.2023 and quash the same.

For Petitioner : Mr.M.P.Senthil

WP.[MD].No.14567/2023:-

M.Rajasekar ... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Theni District.

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2.The Sub Registrar,
Cumbam Sub Registrar Office
Theni District.

3.Pounthia
4.Ganeshwari ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to initiate enquiry under the Registration Act for cancelling the fraudulent documents in Doc.No.5290/2022 dated 01.09.2022 and Doc.No.1017/2023 dated 20.02.2023 on the file of the 2nd respondent and to pass orders on merits based on the representation of the petitioner dated 02.05.2023 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.P.T.Ramesh Raja
For RR3 & 4 : M/s.L.Vasantha Lakshmi

WP.[MD].No.14674/2023:-

S.Dhas ... Petitioner

Vs.

1.The District Registrar,
Periyakulam, Theni District.

2.The Sub Registrar,
O/o.The Sub Registrar,
Chinnamanur, Theni District.

3.G.Sebasthian
4.S.Joseph
5.Murugan
6.Paulpandi
7.Panneerselvam

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8.Vanaraj
9.Ravi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent herein to pass final order in the enquiry commenced in Na.Ka.No.3946/2021 dated 19.08.2021 to cancel the registered Settlement Deed executed by 3rd respondent in favour of his son, 4th respondent herein vide CMR.SRO.No.2008/2020 dated 05.06.2020 registered sale deed in CMR.SRO.No.207/2021 dated 13.01.2021 executed by 4th respondent in favour of 5th respondent registered sale deed dated 12.10.2021 in CMR.SRO.No.5714/2021 executed by 5th respondent in favour of 6th respondent herein within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

WP.[MD].No.15020/2023:-

S.Ronikkam ... Petitioner

Vs.

1.The State of Tamil Nadu rep by
Inspector General, Department
of Registration, No.100,
Santhome High Road, Chennai-28.

2.The Deputy Inspector General of Registration
Department of Registration,
Othakadai, Madurai.

3.The District Registrar,
Department of Registration,
Dindigul, Dindigul District.

4.The Sub Registrar,

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O/o.The Sub Registrar,
Vadamadurai, Dindigul District.

5.The Joint Sub Registrar II
O/o.The Joint Sub Registrar II
Dindigul, Dindigul District.

6.M.Asrab Nisha
7.Mr.M.Mahoob Suhani
8.M.Aneesh Fathima
9.M.Habeeb Rahuman
10.K.Alaudeen
11.M.A.Siddik Ali
12.M.Pushpa
13.M.Safiyulla
14.S.Munira Fathima ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 3 to conduct an fair enquiry by considering the petitioner's representation dated 21.12.2022 and cancel the forged sale deed document NO.3430/2020 dated 05.09.2020 on the file of the 4th respondent, Doc.No.4807/2021 dated 02.08.2021, Doc.No.8574/2021 dated 08.12.2021, Doc.No.8783/2021 dated 14.12.2021, Doc.No.4972/2022 dated 13.06.2022 on the file of the 5th respondent within the time frame stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For RR 6 to 14 : Mr.R.Suresh

WP.[MD].No.15477/2023:-

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Muniyasamy ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road,
Chennai.

2.The District Registrar,
District Registration Office
D.No.1A, Tirupathur Road
Sivagangai District.

3.Shanmugavalli
4.Ramayee
5.Senthilkumar
6.Bhagawathi
7.Mookkammal
8.Radha
9.Usha ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to conduct proper enquiry for the petitioner representation dated 30.03.2023 and also to cancel all the 5 sale deeds and forged documents in Doc.Nos.959/2013, 1439/2013, 1467/2013, 1496/2013 and 1497/2013.

For Petitioner : Mr.D.Selvaraj
For RR3 to 6 & 8,9 : Mr. H.Thayumanaswamy

WP.[MD].No.15553/2023:-

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D.Bala Mani Ram ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road,
Pattinapakkam, Chennai.

2.The District Registrar,
O/o.The Integrated District Registrar Office
SLB Girls Government High School
Near South Road, Nagarcoil
Kanyakumari District.

3.The Sub Registrar,
Edalakudy Sub Registrar Office
Kanyakumari District.

4.Dr.J.Prem Kumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to consider the petitioner's representation dated 15.06.2023 and initiate action u/s.82 an 83 of the Registration Act, 1908 within a time frame to be stipulated by this Court.

For Petitioner : Mr.J.Pandi Dorai
For R4 : Mr.C.Robert Bruce

WP.[MD].No.10993/2023:-

A.V.Indiran ... Petitioner

Vs.

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1.The District Registrar
Madurai District, Madurai.

2.The Sub Registrar,
Checkanoorani Sub Registrar
Chenkanoorani, Madurai District.

3.P.Manikandan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct the enquiry on the basis of the petitioner's representation dated 12.04.2023 and cancel the document executed in favour of the 3rd respondent vide Doc.Nos.1903/2019 and 1028/2019 and for other reliefs.

For Petitioner : Mr.N.Balasubramanian

WP.[MD].No.19148/2022:-

P.Sivalingam ... Petitioner

Vs.

1.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
Near Collectorate Campus, Vallam Road, Thanjavur District.
2.The District Registrar
Integrated Complex of Registration Department
Palaniappan Street, Pattukottai
Thanjavur District.

3.The Sub Registrar,
Sub Registrar office, Pappanadu, Thanjavur District.
4.Minor Sivaraj rep.by its Natural Guardian Geetha

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5.Minor Theerthik rep.by its Natural Guardian Kala
6.Minor Karthikeyan rep.by its Natural Guardian S.Milrani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records relating to the Impugned Order passed by the 2nd respondent in his proceedings in Na.Ka.No.2535/Aa1/A4/2020 dated 04.03.2022 and the consequential impugned Rejection Order passed by the 1st respondent in his proceedings Na.ka.No.731/E/2022 dated 27.06.2022 and quash the same as illegal and consequentially to cancel the Settlement Deeds in respect of Doc.Nos.261/14, 262/14 and 23/14 dated 26.03.2014 on the file of the 3rd respondent office within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Suresh Kumar

WA.No.3260/2023:-

R.Devi .. Appellant

Versus

1.The District Registrar
Coimbatore.

2.Hafeefa Arashiya .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order passed in WP.No.13513/2023 dated 02.06.2023.

For Appellant : Mr.G.R.Deepak

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WP.[MD].No.3419/2023:-

Deivanai ... Petitioner

Vs.

1.The District Registrar
Virudhunagar Registration District
Virudhunagar District.

2.The Sub Registrar
Seithur Sub Registrar Office
Virudhunagar Registration District.

3.G.Marimuthu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct an enquiry on the representation dated 18.06.2022 and pass final orders within the stipulated period.

For Petitioner : Mr.K.Mahaboob Athif

WP.[MD].No.4983/2023:-

A.Valli ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.the Inspector General of Registration,
100 Santhome High Road, Chennai 600 028.

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2.The District Registrar [Admin]
O/o.The District Registrar,
No.1A, Tirupatur Road
Sivagangai, Sivagangai District.

3.The Sub Registrar,
O/o.The Sub Registrar,
Manadmadurai, Sivagangai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose the appeal dated 21.01.2023 preferred by the petitioner in terms of Section 77-B of the Registration [Tamil Nadu Second Amendment] Act, 2021, within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior counsel for
M/s.Ajmal Associates

WP.[MD].Nos.5396 & 5397/2023:-

Ariyakudi Chidambaram Chettiyar Annadana Chatram
Srirangam, rep.by its Trustee
Pala.Arunachala Chettiyar ... Petitioner
in both WPs

Vs.

1.The Deputy Inspector General of Registration
O.o.The DIG, Registration Department
Govt. Offices Complex, 2nd Floor
Race Course Road, Kajamalai
Trichy 620 023.

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2.The District Registrar,
O/o.The District Registrar Office
Cantonment, Trichy District.

3.The Sub Registrar,
Srirangam Sub Registrar Office
Trichy. ... Respondents

Prayer in WP.No.5396/2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to expeditiously complete the enquiry based on the complaint dated 06.10.2021 and based on the further representation dated 24.01.2023 made to pass orders of cancellation of Deed dated 20.07.2020 bearing Doc.No.1737/2020 in the file of the Srirangam Sub Registrar office in the manner known to law and also based on the way of considering our circumstances within the time frame fixed by this Court.

Prayer in WP.No.5397/2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to expeditiously complete the enquiry pending appeal before him in accordance with law and pass any order or direction to enquire the appeal before the file of the 1st respondent against the order of the 2nd respondent in Moo.Mu.No.8619/A4/2020 dated 08.03.2021 and to cancel the registered deed dated 04.08.2020 bearing Doc.No.3245/2020 in the file of the Tiruverumbor Sub Registrar office, Trichy based on the representation dated 24.01.2023 and also based on the way of considering the circumstances within the time frame fixed by this Court.

For Petitioner in both
Writ Petitions : Mr.M.Pandiarajan

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WP.[MD].No.5782/2023:-

A.Sajarutheen ... Petitioner

Vs.

1.The District Registrar,
District Registrar office
Ramanathapuram
Ramanathapuram District.

2.The Sub Registrar
Keelakkarai Sub Registrar Office
Keelakkarai,
Ramanathapuram District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct the enquiry under section 68 and 77A and the 2nd respondent to launch a criminal prosecution as per Section 82 and 83 of the Registration Act, 1908, read with Circular of Inspector General of Registration in Letter No.45633/U1/2022 dated 04.01.2023 based on the petitioner's representation dated 09.12.2022 within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Sathiya Singh

WP.[MD].No.6215/2023:-

R.Jayaprakash ... Petitioner

Vs.

1.The District Registrar [Administration]
O/o.The District Registrar,

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Periyakulam Registration District
Periyakulam, Theni District.

2.The Sub Registrar,
Chinnamanoor Sub Registrar Office
Chinnamanoor Town, Theni District.

3.Apsana Fathima
4.T.Veeramuthu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent herein to conduct enquiry upon petitioner's representation dated 13.02.2023 in accordance with law after giving adequate opportunity to the parties concerned and cancel the documents registered vide doc.No.6625/2022 dated 09.11.2022 and doc.No.322/2023 dated 19.02.2023 registered in the office of the 2nd respondent within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran
For R3 : Mr.A.Robinson

WP.[MD].No.6333/2023:-

Mahalingam ... Petitioner

Vs.

1.The District Registrar [Administration]
O/o.The District Registrar
Velu Nachiyar Valakam
Dindigul, Dindigul District.

2.The Sub Registrar,
O/o.The Sub Registrar Office
Chinnalapatti, Dindigul District.

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3.L.Mallayagownder
4.Theivathai
5.Ramuthai
6.K.Palanisamy
7.A.Murugan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct enquiry and dispose of the representation of the petitioner dated 05.03.2023 seeking cancellation of the forged document pertaining to the property belonging to the petitioner's family situated in survey number 11/6 measuring about 64 cents at Kalingampatti Village, Athoor Taluk, Dindigul District under section 77-A of the Registration Act registered on the file of 2nd respondent within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu
For R7 : Ms.M.Benazir Begum

WP.[MD].No.6686/2023:-

M.S.Karuppiah ... Petitioner

Vs.

1.The District Registrar [Administration]
Registration Department
2nd Floor, O/o.Combined Registration District,
Palani, Dindigul District.

2.Rajalakshmi
3.Poovathi ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider my representation dated 03.01.2023 and conduct enquiry under section 77-A of Registration Act, 1908 and dispose the same within a stipulated time as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar

WP.[MD].No.8421/2023:-

Ravichandran ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram
Mullima Nagar, Chennai 600028.

2.The District Registrar,
O/o.The District Registrar, Palani, Dindigul District.

3.The Joint Sub Registrar-1,
Palani, Dindigul District.

4.Rani
5.Tamilarasi
6.Bhuwaneswari
7.Selvapandi
8.Murugesan
9.Selvarani
10.Eswaramoorthy
11.Sellappa Gounder
12.Arulkumaran
13.K.Mahalingam

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14.Jeyachandran
15.S.Balamurugan
16.R.Murugan
17.P.Maruthachalam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 3 to conduct enquiry about the fraudulent registration made by the respondents 4 to 17 through the sale deeds registered as Doc.No.2067/2014 dated 11.03.2014 and Doc.No.548/2023 dated 03.03.2023 and cancel the same as per Section 77-A of the Registration Act, Tamil Nadu Amendment Act 41 of 2022 by considering petitioner's representation dated 11.03.2023 and 30.03.2023.

For Petitioner : Mr.T.Lenin Kumar
For RR4 to 13 : Mr.H.Arumugam
For RR14 to 17 : Mr.N.Dilipkumar

WP.[MD].No.8550/2023:-

P.Ramalingam ... Petitioner

Vs.

1.The Inspector General of Registration
Registration Department, Head Quarters
Santhome Salai, Chennai.

2.The District Registrar,
Registration Department
Trichy.

3.The Sub Registrar,
Tuvarankurichi, Trichy District.

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4.Chinnammal
5.Chinnakannu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents particularly the 2nd respondent would conduct an inquiry over the registration of document No.110/2015 dated 28.01.2015 by the 3rd respondent in favour of 4th and 5th respondent as per the provision of Registration Act, 1908 and as per the 1st respondent circulars and consider the petitioner's representation dated 15.03.2023.

For Petitioner : Mr.S.Sivakumar

WP.[MD].No.8558/2023:-

T.David Daniel ... Petitioner

Vs.

1.The Inspector General of Registration
Registration Department, No.100
Santhome High Road, Chennai 600 028.

2.The District Registrar [Administration]
Office of the District Registrar,
Marthandam, Kanyakumari District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent is to obey the orders of the 1st respondent dated 22.02.2023 and proceed with the same to conduct a detailed enquiry and pass orders on merits within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Karthikeyan

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WP.[MD].No.8765/2023:-

M.Chitradevi ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Pattinampackam, Chennai 600 028.

2.The District Registrar,
O/o.District Registrar Office
Sivagangai District.

3.The Sub Registrar,
Joint-I Sub Registrar Office
Sivagangai.

4.G.Nagarajan
5.V.Alexandar
6.M.L.Sheela ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 30.01.2023 by cancelling the Doc.No.429/2016 dated 14.03.2016 on the file of the 3rd respondent and to take appropriate action against the 4th to 6th respondents within the time frame to be fixed by this Court.

For Petitioner : Mr.C.Prithviraj
For R4 : Mr.S.Chandrasekaran

WP.[MD].No.8814/2023:-

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B.Kannaya Naidu ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.

2.The District Registrar,
Chennai Central, Royapettai
Chennai-14.

3.The Sub Registrar [Joint II]
O/o.The Joint-I Sub Registrar Office
Dindigul, Dindigul District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose the petition dated 27.01.2022 preferred by the petitioner in terms of Section 77A of the Registration [Tamil Nadu Second Amendment] Act, 2021, of Registration Act, 1908 to cancel the fraudulent will registered vide document No.31/2020 dated 29.09.2020 on the file of the 2nd respondent office and consequential gift deed registered vide Doc.No.2081/2022 dated 24.06.2022 on the file of the 3rd respondent office within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior counsel for
M/s.Ajmal Associates

WP.[MD].No.9975/2023:-

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S.Poonkodi ... Petitioner

Vs.

1.The District registrar [Administration]
O/o.District Registrar, Velu Nachiyar
Valakam, Dindigul, Dindigul District.

2.The Sub Registrar,
O/o.Sub Registrar Office
Chinnalapatti, Dindigul District.
3.Jeyalakshmi
4.Subburaj ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the 1st respondent to conduct enquiry and dispose of the representation of the petitioner dated 18.03.2023 seeking cancellation of the forged documents pertaining to the property belonging to the petitioner's family situated in survey numbers 165/6 measuring about 70 cents and 167/5 measuring about 74 cents at Kalingampatti village, Athoor Taluk, Dindigul District under Section 77-A of the Registration Act registered on the file of 2nd respondent within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

WP.[MD].No.10315/2023:-

D.Vedhamuthu ... Petitioner

Vs.

1.The Deputy Inspector General of Registration

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Registration Department, Ramanathapuram
Ramanathapuram District.

2.The District Registrar,
[Administration], Registration Department
Sivagangai, Sivagangai District.

3.The Tahsildar
Kalayarkovil, Sivagangai District.

4.The Zonal Deputy Tahsildar
Kalayarkovil, Sivagangai District.

5.Mrs.Merlin Dhanaroja ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the order passed by the 1st respondent in Na.Ka.NO.58/A1/2023 dated 03.04.2023 and quash the same as illegal.

For Petitioner : Mr.R.Velmurugan
For R5 : Mr.R.Balamuruganantham

WP.[MD].No.10858/2023:-

V.Mayan ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road
Chennai 600 028.

2.The District Registrar [Administration]

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Registration Department, Periyakulam
Theni District.

3.The Sub Registrar
O/o.The Sub Registrar Office
Aundipatti, Theni District.

4.Manickam
5.M.Kalaiyarasi
6.Mayakkal
7.Ravi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to take appropriate action in the view of the 1st respondent proceedings in LG-U-U4/1114/2022-U-Sec dated 31.01.2023 and cancel the forgery document registered by the 3rd respondent.

For Petitioner : Mr.M.Pounraj

WP.No.11009/2023:-

Dr.S.Basker .. Petitioner

Versus

1.The Inspector General of Registration
N0.100, Santhome High Road,
Pattinapakkam, Chennai-600 028.

2.District Registrar
Dharmapuri District, Gandhi Nagar
Dharmapuri, Tamil Nadu 636 701.

3.Sub Registrar

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Sub Registrar Office, Barur
Krishnagiri District, Krishnagiri 635 201.

4.M.Sivakumar .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records on the file of 2nd respondent pertaining to the enquiry initiated vide notice No.609/AA3/2023 dated 20.03.2023 and quash the same as without jurisdiction and illegal.

For Petitioner : Mr.J.Ravikumar
For R4 : Ms.S.P.Arthi

WP.[MD].No.11121/2023:-

1.Sivagnanapandi
2.Kottur ... Petitioners

Vs.

1.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
Tirunelveli, Behind John Hr.Sec.School
Tirunelveli-2.
2.The District Registrar [Admin]
Railway Feeder Road,
Tenkasi Town, Tenkasi District.

3.The Sub Registrar,
Puliyangudi, Tenkasi District.

4.S.Guruvaiah
5.M.Senthilvel ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

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issuance of Writ of mandamus directing the 2nd respondent herein to consider and dispose the petition/application filed by petitioner dated 21.10.2022 on merits and cancel the Release Deeds dated 17.10.2022 in Doc.No.3280 and 3281/2021 within the time frame stipulated by this Court.

For Petitioner : Mr.Lajapathy Roy, Senior counsel
for M/s.Lajapathy Roy Associates
For RR4 to 7 : Mr.G.Thalaimutharasu

WP.[MD].No.11273/2023:-

K.Sampathkumar ... Petitioner

Vs.

1.The Inspector General of Registration
Tamil Nadu Registration Department
Chennai.

2.The District Registrar,
The District Registration Office
Trichy District.

3.The Sub Registrar,
Sub Registrar Office
K.Sathanur, Trichy 620 001.

4.Amsavalli
5.Indirani
6.Valarmathi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 3 consider the petitioner's representation dated 17.04.2023 to take appropriate action as per

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the G.O.No.392 dated 02.09.2021 Registration Department to conduct enquiry and to cancel the fraudulent documents forged by the respondents 4 to 7 herein as illegal.

For Petitioner : Mr.K.Mariyappan
For RR4 to 7 : Mr.C.Jeyaprakash

WP.[MD].No.13188/2023:-

1.S.Jeyakumar
2.J.Anitha Jeyakumar ... Petitioners

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai.

2.The District Registrar [Administration]
Madurai South, Madurai District.

3.The Sub Registrar,
O/o.Nagamalai Pudukootai
[Formerly Arasaradi Sub Registrar's Office]
Madurai.

4.The Joint Sub Registrar No.4
Madurai South, Madurai.

5.Seenivasan
6.R.Mohan
7.R.Thiyagarajan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

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issuance of Writ of certiorari calling for the records relating with the order of the 2nd respondent made in Na.Ka.No.1096/Aa2/2023 dated 24.05.2023 and quash the same as it is arbitrary and illegal on the ground of violation of principle of natural justice.

For Petitioner : Mr.R.Suriyanarayanan

WP.[MD].No.14353/2023:-

P.Kaveriammal ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Pattinapakkam, Chennai 620 001.

2.The District Registrar [Administration]
District Registrar Office
Combined Court Complex,
Pudukkottai 620 001.

3.S.Muruganantham
4.S.Valarmathi
5.S.Sellam
6.S.Rajeswari ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 01.03.2023 in continuation of 2nd respondent proceeding in Na.Ka.No.4513/A2/2021 and conduct enquiry in the matter as per Section 77A of Registration Act and cancel the Partition Deed dated 13.07.2015 registered as Doc.No.2019/2015 at the Kandarvakottai Sub Registrar Office, Pudukottai, executed by respondents 3

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to 6.

For Petitioner : Mr.A.Sivasubramanian
For RR 3 to 6 : Mr.P.Samuel Gunasingh

WP.[MD].No.15105/2023:-

Karthik Sekkappan ... Petitioner

Vs.

1.The Registrar General
Registration Department
No.100, Santhome Highway
Chennai.

2.The Deputy Registrar General
O/o.The Registration Department
Tiruchi Division, Tiruchi.
3.The District Registrar,
O/o.The Registration Department
No.62, Kamarajar Salai, Srinivasapuram,
Tanjavur District.

4.The Sub Registrar,
O/o.The Joint Sub Registrar,
Thanjavur.

5.The Inspector of Police
District Crime Branch,
Thanjavur.

6.S.Narayana Jawahar
7.R.Varatharajan
8.K.Subbu Annamalai
9.R.Muthumanickam ... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 3 to cancel the sale deeds bearing Doc.Nos.3475, 3476, 3477/2017 on the file of the 4th respondent herein u/s.77A of the Tamil Nadu Registration Act, 1908 and also take appropriate penal action u/s.83 of the Tamil Nadu Registration Act, 1908 based on petitioner's representation dated 26.05.2023.

For Petitioner : Ms.A.Arul Jenifer
For R6 : Mr. A.Arun Prasad
For R7 : Mr.S.Ramsundar Vijayraj
For R9 : Mr.K.Gnanasekaran

WP.[MD].No.15120/2023:-

1.S.Anthony
2.Christy Pushpa ... Petitioners

Vs.

1.The District Registrar,
District Registrar Office
Velu Nachiyar Valagam
Dindigul.

2.The Joint Sub Registrar II
Sub Registrar Office, Dindigul.

3.Sagayamary ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 2 to expedite the enquiry about the fraudulent registration made by the 3rd respondent through the Sale Deed in Doc.No.5308/2009 dated 17.09.2009 on the file of the 2nd respondent and cancel the same as per section 77A of the Registration

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Act, Tamil Nadu Amendment Act 41 of 2022 by considering the petitioners' representation dated 13.06.2023.

For Petitioners : Mr.T.Lenin Kumar
For R3 : Mr.N.Marimuthu

WP.[MD].No.15172/2023:-

P.Ramaiya ... Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Combined Registration Office
TNAU Nagar, Rajakampeeram,
Madurai District.
2.The Sub Registrar,
Tallakulam Sub Registration Office
Madurai.

3.P.Balu
4.R.Ponnuchamy
5.S.Kanthasamy Chettiyar
6.R.Kesavan
7.G.Mariappan
8.A.S.Mani
9.M.Alagarsamy
10.S.Karuppammal
11.S.Kannaiyan
12.R.Rama Meenambal
13.V.Elizabeth ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for

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issuance of Writ of mandamus directing the 1st respondent to cancel the registered deeds[1]Doc.No.1380/1980 dated 07.04.1980, [2]Doc.No.1381/1980 dated 07.04.1980, [3]Doc.No.1382/2010 dated 07.04.1980 [4]Doc.No.1383/2010 dated 07.04.1980 [5]Doc.No.1384/2010 dated 07.04.1980 [6]Doc.No.1385/2010 dated 07.04.1980 [7]Doc.No.1386/2010 dated 07.04.1980 [8]Doc.No.1387/2010 dated 07.04.1980 [9]Doc.No.1388/2010 dated 07.04.1980 [10]Doc.No.1389/2010 dated 07.04.1980 of Ayan Punja Land situated in Old S.No.315/6 New S.No.119/6A, [Old Patta No.289] New Patta No.974 of Sakkimangalam Pit 2, North Taluk, Madurai District registered before the Sub Registrar, Tallakulam Sub Registration Office, Madurai or to consider the representation dated 30.01.2023.

For Petitioner : Mr.R.Santhanam

WP.No.15543/2023:-

1.P.Sakthikumar
2.Mrs.P.Mariammal .. Petitioners

Versus

1.The Inspector General of Registration
No.100, Santhome, Chennai 600 004.

2.The District Registrar
Chennai South, [In the cadre of Asst.
Inspector General of Registration]
South Chennai, Chennai 600 035.

3.The Sub Registrar
ECR Road, Neelangarai
Chennai 600 0115.

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4.S.Shri Subitha .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the Impugned Order dated 23.03.2023 in proceedings Na.Ka.No.19060/E2/2022 passed by the 2nd respondent and quash the same.

For Petitioners : Mr.K.V.Babu
For R4 : Mr.J.Ashok

WP.[MD].No.15822/2023:-

T.Veeraragavan ... Petitioner

Vs.

1.The District Registrar [Admin]
Registration Department
District Registrar office
Pattukottai.

2.The Sub Registrar,
Sub Registration office
Peravurani Post and Taluk
Thanjavur District.

3.S.Malliga ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling upon the impugned enquiry notice culminated in Na.Ka.No.690/A4/2023 dated 09.05.2023 on the file of the 1st respondent, quash the same as illegal, ultra vires, without jurisdiction and consequently directing 2nd respondent not to registered any instrument presented by the 3rd respondent or the persons claiming under her

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in respect of the properties comprised in SF.No.135/1A admeasuring to an extent of Acre 2.66 cents, SF.No.135/1B admeasuring to an extent of Acre 2.96 cents and SF.No.135/2B admeasuring to an extent of Acre 0.24 cents situated at Thiruvathevan Village, Sethubavachathiram panchayat Union, Peravoorani Taluk, Thanjavur District.

For Petitioner : Mr.Shangar Murali

WP.No.18274/2023:-

S.P.Swaminathan .. Petitioner

Versus

1.The District Registrar
Administration Coimbatore
Siriyan Church Road
Coimbatore Corporation Kalyana Mandapam
Registration Office, Coimbatore.

2.The Sub Registrar
Sulur, Coimbatore District
Trichy Road, Sulur
Coimbatore.

3.The Tahsildar
Palladam Taluk
O/o.Tahsildar, Palladam
Thiruppur District.

4.M.Manian
5.N.Sathish
6.P.Kaliammal
7.S.Govindaraj
8.P.Subramaniam

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9.C.Valliammal
10.Prabu
11.S.Kandasamy
12.G.Giri .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records on the file of the 1st respondent in his proceedings Na.Ka.No.4383/A1/2023 dated 22.05.2023 and quash the same as illegal, unlawful, without jurisdiction.

For Petitioner : Mr.K.T.E.Sampath Kumar for
for Mr.S.Venkatesh

WP.[MD].No.22561/2023:-

Bandhan Bank
[previously known as Gruh Finance Limited]
A company registered under the provision of
Companies Act 2013 and having registered office
at DN-32 Sector-V, Salt Lake City
Kolkata and having its branch office at
and represented by its Manager
I Floor, Zion Towers, No.39,
Pandian Nagar, By Pass Road,
Madurai 625 016. ... Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Chennai.

2.The District Registrar [Administration]
Madurai South, Madurai.

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3.The Sub Registrar,
O/o.The Sub Registrar office
Usilampatti, Madurai District.

4.D.Ganesan
5.S.Jensirani ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating with the order of the 2nd respondent made in Na.Ka.No.5525/A2/2023 dated 16.08.2023 and quash the same as it is arbitrary, illegal and lack of jurisdiction.

For Petitioner : Mr.G.Muthuraman

WA.No.2963/2023:-

T.S.Mahendran .. Appellant

Versus

1.The Inspector General Registration
Mylapore, Chennai 600 004.

2.The Deputy Inspector of Registration
Coimbatore, State Bank Road
Coimbatore 641 018.

3.The District Registrar,
Coimbatore District,
State Bank Road
Coimbatore 641 018.

4.The Joint Sub Registrar II
Rajaveedhi, Coimbatore.

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5.The Inspector of Police [L&O]
D2 Police Station, Selvapuram
Coimbatore City.
6.Mrs.S.Poonjothi
7.Ms.Malarkodi
8.V.Krishnamurthy
9.S.Jaffarullah
10.T.Arulnathan .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order passed in WP.No.6448/2023 dated 13.09.2023.

For Appellant : Mr.S.Venkatesh

WP.[MD].No.8987/2023:-

S.Mookan ... Petitioner

Vs.

1.The District Registrar,
District Registrar Office
Pudukkottai, Pudukkottai District.

2.The Superintendent of Police
District Police Office, Pudukkottai,
Pudukkottai District.

3.The Inspector of Police
Land Grabbing Special Cell,

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Pudukkottai, Pudukkottai District.

4.S.Umavathi
5.M.C.Sridevi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent herein to take appropriate steps on the proceedings made in Na.Ka.No.527/ALGSC/I/PDK/2022 dated 04.08.2022 on the file of the 3rd respondent herein within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

WP.[MD].No.9163/2023:-

Karnamoorthy ... Petitioner

Vs.

1.The District Registrar [Administration]
Madurai South Registration
Madurai District, Madurai.

2.Kannan @ Sappanni ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose the proceedings in Na.ka.No.7590/A2/2022 dated 11.10.2022 and pending before the 1st respondent within time frame to be fixed by this Court.

For Petitioner : Mr.T.Vadivelan

WP.[MD].No.9691/2023:-

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G.Muthulakshmi ... Petitioner

Vs.

The District Registrar,
O/o.The District Registrar
Tenkasi, Tenkasi District. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari to call for the records in respect of the proceedings initiated by the respondent in his proceedings in Na.Ka.No.8241/AA2/2022 dated 20.12.2022 and quash the same as illegal.

For Petitioner : Mr.A.C.Vinayagrajan

WP.[MD].No.10718/2023:-

Thamaraipushbam ... Petitioner

Vs.

1.The District Registrar
Tirunelveli Registration District
Palayamkottai, Tirunelveli.

2.The Sub Registrar,
Sathankulam Sub Registrar Office
Thoothukudi District.

3.Annathai
4.Vignesh ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct and

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complete the enquiry proceedings relating to case Na.Ka.No.10042/A5/2022 dated 08.11.2022 and to cancel the forgery sale deed 17.06.2021 in Doc.No.791/2021 on the file of the 2nd respondent within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan

WP.[MD].No.13147/2023:-

Saravanan ... Petitioner

Vs.

1.The Deputy Inspector General of Registration
Trichy Zone, Registration Department
Tiruchirappalli 620 023.

2.The District Registrar
District Registrar Office
Court Complex, Tiruchirapalli.

3.The Sub Registrar
Sub Registrar Office
Woraiyur, Tiruchirapalli District.

4.Nagarajan
5.Mariyayee
6.Shivakumar
7.David
8.John Peter
9.Efsirani
10.Srinivasan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing respondents 1 to 3 to expedite the

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enquiry about the fraudulent registration made by the respondents 4 to 10 through the sale deeds registered as Doc.No.12235/2012 dated 21.02.2012 Doc.No.7517/2012 dated 08.11.2012 and Doc.No.1800/2021 dated 25.02.2021 on the file of the 3rd respondent and cancel the same as per section 77-A of the Registration Act, Tamil Nadu Amendment Act 41 of 2022 by considering the petitioner's representation dated 19.12.2022.

For Petitioner : Mr.T.Lenin Kumar

WA.Nos.2915, 2917, 2918, 2924/2023:-

Urmila Sridhar .. Appellant in all the writ appeals

Versus

1.Prakash
2.Poongothai
3.Sellammal
4.Inspector General of Registration
100, Santhome High Road
Chennai 600 028.

5.The District Registrar,
No.1/529, Neruppericha1 Village
pooluvapatti Post, Tirupur 641602.

6.The Sub Registrar of Udumalpet
21, Katcheri Street, Taluk Office Campus
Udumalaipet 642 126.

7.The Revenue Divisional Officer
Udumalpet RDO Office

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Udumalpet 641 126.

8.The Superintendent of Police
O/o.The Superintendent of Police
Angeripalayam Main Road
Tirupur 641 603. .. Respondents in WA.No.2915/2023

1.Sellamuthu .. R1 in WA.No.2917/2023

2.S.Ramar .. R1 in WA.No.2918/2023

3.A.Palanisamy .. R1 in WA.No.2924/2023

2.Inspector General of Registration
100, Santhome High Road
Chennai 600 028.
3.The District Registrar,
No.1/529, Neruppericha1 Village
pooluvapatti Post, Tirupur 641602.
4.The Sub Registrar of Udumalpet
21, Katcheri Street, Taluk Office Campus
Udumalaipet 642 126.
5.The Revenue Divisional Officer
Udumalpet RDO Office
Udumalpet 641 126.
6.The Superintendent of Police
O/o.The Superintendent of Police
Angeripalayam Main Road
Tirupur 641 603. .. RR 2 to 6 in WA.Nos.2917, 2918/2023

Common Prayer : Writ Appeals filed under Clause 15 of the the Letters

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Patent against the orders passed in WP.No.7912/2023, 7908/2023, 7917/2023 dated 14.03.2023 and the modified order dated 10.04.2023.

For Appellant in all appeals : M/s.Waraon and Sai Rams

WP.[MD].No.6457/2023:-

Jeyalakshmi ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram, Chennai 600 028.

2.The District Registrar,
O/o.Trichy District Registrar,
Trichy, Trichy District.

3.The Sub Registrar
O/o.musiri Sub Registrar,
Musiri, Trichy District.

4.Krishnan
5.Gopinath ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the forged sale deed dated 09.10.2020 executed by the 4th respondent in favour of the 5th respondent as Doc.No.3192/2020 on the file of the office of the 3rd respondent within a time frame, by considering the petitioner's representation dated 18.11.2022 and by following the recently inserted

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section 77A[1] of the Registration Act.

For Petitioner : Mr.P.Santhana Krishnan

WP.[MD].No.6709/2023:-

1.Murugadass
2.Vasudevan
3.Purushothama Dass
4.Gopal Dass ... Petitioners

Vs.

1.The District Registrar [Administration[
O/o.JC Building, Vadagarai,
Ammayanayakanur Road,
Periyakulam, Theni District.

2.The Sub Registrar,
O/o.Sub Registrar Office [Joint – I]
Periyakulam, Theni District.

3.T.Kesavan
4.P.Govindarajan
5.M.Manoharan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to cancel the fraudulent registered Sale Deed vide Doc.No.52/2023 on the file Sub Registrar Office [Joint No.1], Periyakulam, Theni District dated 05.01.2023 by considering the representation sent by the petitioner herein by dated 04.03.2023 within the time frame that may be fixed by this Court.

For Petitioners : Mr.Niranjan S.Kumar

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WP.[MD].No.9770/2023:-

Umarani ... Petitioner

Vs.

1.The District registrar [Administration]
Marthandam, Kanyakumari District.

2.The Sub Registrar,
Karungal, Kanyakumari District.

3.The Revenue Divisional Officer
Padmanabhapuram, Kanyakumari District.
4.The Tahsildar
Killyoor Taluk, Kanyakumari District.

5.Abijith Mathew
6.D.Robert Nelson
7.S.Shamini ... Respondents
****RR6&7 impleaded vide order dated 13.06.2023 in WMP[MD].No.11304/2023 in WP.[MD].No.9770/2023**

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records relating to the Impugned Order passed by the 1st respondent vide his proceedings No.1528/J/2022 dated 21.11.2022 and quash the same as illegal in respect of cancellation document No.242/20009 consequently direct the 3rd respondent not to delete the name of the petitioner from Patta NO.10060.

For Petitioner : Mr.Narayanakumar K.P.
For R5 : Mr.S.C.Herold Singh

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WP.[MD].No.9936/2023:-

N.Kalaiarasi ... Petitioner

Vs.

1.The District registrar [Administration]
O/o.District Registrar, Velu Nachiyar
Valakam, Dindigul, Dindigul District.

2.The Sub Registrar,
O/o.Sub Registrar Office
Chinnalapatti, Dindigul District.

3.R.Saraswathi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the 1st respondent to conduct enquiry and dispose of the representation of the petitioner dated 10.03.2023 seeking cancellation of the forged document pertaining to the property belonging to the petitioner's family situated in survey number 375/1A measuring about 1 acre 66 cents and 382/2 measuring about 79 cents and 382/3 measuring about 97 cents, totally measuring about 3 acre 42 cents at Seevalsaragu village, Athoor Taluk, Dindigul District under Section 77-A of the Registration Act registered on the file of 2nd respondent within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

WP.[MD].No.10352/2023:-

A.Mohammed Shajahan ... Petitioner

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Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai 600 004.

2.The District Collector,
O/o.The District Collector,
Thanjavur District, Thanjavur.

3.The District Registrar
O/o.District Registrar
Seenivasapuram, Thanjavur District.

4.The Sub Registrar,
Ayyampettai, Thanjavur District.

5.M.Musthafa ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondents 1 to 4 especially the 3rd respondent to take necessary action on the petitioner's complaint dated 25.08.2022 for cancellation of fraudulent sale deed in Doc.No.560/2020 dated 26.06.2020 and the subsequent fraudulent settlement deed in doc.No.120/2022 dated 01.02.2022 in the light of thte Amended Section 77A of the Registration Act, 1908.

For Petitioner : Mr.R.Maheswaran

WP.[MD].No.13000/2023:-

M.Jameela Banu ... Petitioner

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Vs.

1.The District Registrar
Virudhunagar District, Virudhunagar.

2.The Sub Registrar,
Veerachozhan Sub Registration Office
Virudhunagar.
3.Mustafa Kamal
4.Liyakath Ali Khan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct an enquiry based on the petitioner's representation dated 18.07.2022 under the provisions of the Registration [Tamil Nadu Second Amendment] Act, 2021 and conclude the same within the time to be stipulated by this Court.

For Petitioner : Mr.A.Ilaya Perumal

WP.No.31075/2023:-

Mr.Narendra Barlalka .. Petitioner

Versus

1.The Inspector General of Registration
Tamilnadu Registration Department
Mylapore, Chennai 600 028.

2.The Deputy Inspector General of Registration
Chennai Zone, Commercial Tax and Registration
Department, Integrated Building Complex

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Penpet, Nandanam, Chennai 600 035.

3.District Registrar [AIG Cadre]
Chennai South, Chennai.

4.The Sub Registrar
Kodambakkam, Chennai

5.Pavan Harlalka HUF, rep.by its
Karta Mr.Pavan Harlalka .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records of the 2nd respondent herein vide proceedings No.5563/B1/2022 on the file of the 2nd respondent herein dated 22.09.2023 whereby the proceedings No.11242/B2/2021 on the file of the 3rd respondent herein dated 19.09.2022.

For Petitioner : Mr.R.Srinivas, Senior Counsel for
Mr.M.Santhanaraman

WA.No.575/2024:-

S.P.Parvathi .. Appellant

Versus

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

2.The District Registrar [Admin]
O/o.The District Registrar

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Coimbatore, Coimbatore District.

3.The Sub Registrar
O/o.The Sub Registrar
Periyanaickenpalayam
Coimbatore.

4.Mr.J.B.Kullamanathan
5.K.Arumugam .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the judgment and order dated 07.11.2023 in WP.No.28912/2023.

For Appellant : Mr.T.V.Suresh Kumar for
M/s.Genicon Legal

WP.No.31079/2023:-

Mr.Narendra Barlalka .. Petitioner

Versus

1.The Inspector General of Registration
Tamilnadu Registration Department
Mylapore, Chennai 600 028.

2.The Deputy Inspector General of Registration
Chennai Zone, Commercial Tax and Registration
Department, Integrated Building Complex
Penpet, Nandanam, Chennai 600 035.

3.District Registrar [AIG Cadre]
Chennai South, Chennai.
4.The Sub Registrar

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Kodambakkam, Chennai

5.Pavan Harlalka HUF, rep.by its
Karta Mr.Pavan Harlalka

6.Mrs.Vanitha Harlalka .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records of the 2nd respondent herein vide proceedings No.6649/B1/2022 on the file of the 2nd respondent herein dated 22.09.2023 and 26.09.2023 whereby the proceedings No.321/B2/2018 on the file of the 3rd respondent herein dated 22.09.2022.

For Petitioner : Mr. M.Santhanaraman

WA.No.3298/2023:-

1.A.Shanthi
2.A.Vasuki .. Appellants

Versus

1.The District Registrar
Thiruvallur District, Chennai 602 001.

2.The Sub Registrar
Ponneri, Tiruvallur District
Chennai 601 204.

3.D.Ravanammal
4.D.Venkatasubramaniam
5.D.Nageswara Rao
6.D.Surendra Babu .. Respondents

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Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order dated 27.06.2023 made in WP.No.18814/2023.

For Appellant : Mr.Ashwin Kumar.A

WP.[MD].No.8095/2023:-

Ramalakshmi Ammal ... Petitioner

Vs.

1.The District Registrar
District Registrar Office
Thenkasi.

2.The Sub Registrar
Sorandai Sub Registrar Office
Sorandai, Thenkasi District.

3.Kuttiyammal
4.Murugesan
5.Perumal
6.Rajendran
7.Muthumari
8.Madathi
9.Lakshmanan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to declare the document Nos.3024/2005 dated 05.12.2005, 2193/2011 dated 09.06.2011, 141/2005 dated 28.01.2005 and 2292/2011 dated 17.06.2011 as null and void on the basis of the petitioner representation dated 02.12.2022.

For Petitioner : Mr.K.Gokul

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For RR3 to 7 : Mr.N.Vignesh
For R8 : Mr.V.S.Kishok Kumar
For R9 : A.Umapathi

WP.[MD].No.8175/2023:-

C.Aandiappan ... Petitioner

Vs.

1.The District Registrar
District Registrar Office
Thoothukudi.

2.The Sub Registrar
Sub Registrar Office
Tiruchendur. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent herein to pass appropriate orders with respect to the fraudulent sale deed dated 14.04.2022 vide Doc.No.1003/2022 by invoking section 77A of the Registration Act, 1908 by considering the petitioner's representation dated 15.11.2022 and reminder representation dated 23.02.2023 within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

WP.No.18883/2023:-

R.Asothaman .. Petitioner

Versus

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1.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
Integrated Building of Registration Department
Veppamara Street, velappadi, Vellore 632 001.

2.The District Registrar [Administration]
Collector Office Campus, 4th Floor,
C Block, Tirupathur Town,
Tirupathur District Pin 635 601.

3.The Sub Registrar
Natrampalli Sub Registrar Office
Natrampalli, Tirupathur District 635 852.

4.Mrs.Saratha @ Saratha Mani
5.Mr.Swamy Nathan
6.Mr.Subramani .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records relating to the order of the 2nd respondent in proceedings No.71/Aa2/2022 dated 13.10.2022 and subsequent order of the 1st respondent in proceedings Letter No.5074/Aa1/2022 dated 28.12.2022 declaring the power of attorney in document No.922/2022 dated 14.03.2022 and subsequent sale deed in document No.940/2022 dated 16.03.2022 in petitioner favour as forgery documents and quash the same by restraining the respondents from entertaining any further transactions for registration in respect of the property comprised in survey No.319/1M and sub division new survey NO.319/1M2 Thirivalam Village, Tirupathu in pursuance of the order of the 1st and 2nd respondents till the disposal of Civil Suit in OS.No.49/2022 pending before the Additional District Court, Tirupathur.

For Petitioner : M/s.R.Meenakshi

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WP.[MD].No.7852/2023:-

Kottar Ezhavar Samuthaya Vaigai
Arumugaperumal Pillaiyar Swamy Trust
rep.by its Administrator K.S.Muthu ... Petitioner

Vs.

1.The District Registrar
Kanyakumari District,
Kanyakumari.

2.The Sub Registrar,
Nagercoil, Kanyakumari District.

3.Sankaralingam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider the representation dated 28.12.2022 and cancel the document registered as Doc.No.3499/2009 dated 30.10.2009 and registered at the office of the 2nd respondent.

For Petitioner : Mr.G.Prabhu Rajadurai

WP.[MD].No.5419/2023:-

Kaliyan ... Petitioner

Vs.

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1.The Inspector General of Registration,
O/o.The Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram, Chennai 600028.

2.The District Registrar,
O/o.Ariyalur District Registrar,
Ariyalur, Ariyalur District.

3.The Sub Registrar,
O/o.Pullambadi Sub Registrar,
Pullambadi, Lalkudi Taluk
Trichy District.

4.Ilayaraja
5.Menaka ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the forged sale deed dated 05.03.2020 executed by the 4th respondent in favour of the 5th respondent as Doc.No.391/2020 on the file of the 3rd respondent within a time frame by considering the petitioner's last representation dated 10.02.2023 and by following the recently inserted section 77-A[1] of the Registration Act.

For Petitioner : Mr.P.Santhanakrishnan
For R4& R5 : Mr.M.Saravanan

WP.[MD].No.831/2022:-

M.Baskar ... Petitioner

Vs.

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1.The Inspector General of Registration
100, Santhome High Road, Pattinapakkam
Chennai-600 028.

2.The District Registrar
District Registrar Office
Virudhunagar, Virudhunagar District.

3.The Sub Registrar
Sub Registrar Office
Aruppukkottai,
Virudhunagar District.

4.Karthigai Selvam
5.Dhanasekaran @ Gnana Sekaran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to cancel the Sale Deed, registered as Doc.No.2986/2018 dated 28.06.2018 on the file of the 3rd respondent.

For Petitioner : Mr.R.Murugappan

WP.[MD].No.4073/2022:-

Lathabai ... Petitioner

Vs.

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1.The Deputy Inspector General of Registration
Rajakamberam, Y.Othakkadai
Madurai 625 107.

2.The District Registrar
District Registrar Office
Nagercoil Nagercoil 629001
Kanniyakumari District.

3.The Sub Registrar
Sub Registrar Office, Colachel
Kanniyakumari District.

4.Mr.M.Vasteen Jeyakumar
5.Mrs.Usha
6.Mrs.Kalaivani ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records pertaining to the Impugned Order passed by the 2nd respondent vide proceedings in Oo.Mu.No.7688/Aa1/2021 dated 16.12.2021 and quash the same as illegal and consequently direct the respondent No.2 to declare the settlement Deed in Doc.No.590/2017 which was registered in favour of 5th respondent and the subsequent sale deed in Doc.No.2459/2021 which was registered in favour of 6th respondent as fraudulent registration after conducting enquiry in respect of survey No.548/11, 419/18, 417/7, 548/10, 561/11 in Lekshmipuram Village, Kaikulam Taluk, Kanniyakumari District, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

WP.[MD].No.12480/2022:-

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Haridass ... Petitioner

Vs.

1.The Inspector General of Registration
O/O.Inspector General of Registration
Santhome, Chennai.

2.The District Registrar
District Registrar Office
Thanjavur, Thanjavur District.

3.The Sub Registrar
Vallam Sub Registrar Office
Thanjavur District.

4.N.Soorapa Naidu
5.Jeyalakshmi
6.Nagarajan
7.Rajkumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to take appropriate action on the forged settlement deed executed by the 4th respondent in Doc.No.2788/2016 dated 28.09.2016 as per the section 68 of the Registration Act, 1908 and as per the circular issued by the 1st respondent / Inspector General of Registration, Chennai in Letter No.41530/U1/2017 dated 31.07.2018 and also direct the official respondents herein to remove the entry of settlement deed in Doc.No.2788/2016 dated 28.09.2016 from their records without a time frame fixed by this Court and consequently direct the 3rd respondent to accept the sale deed presented by the petitioner.

For Petitioner : Mr.J.Jeyakumaran

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For RR5 to 7 : M/s.Sarvabhauman Associates

WP.[MD].No.14546/2022:-

S.M.Hajabakrutheen ... Petitioner

Vs.

1.The Inspector General of Registration
Department of Registration, Head Office,
100, Santhome High Road, Pattinapakkam, Chennai-600 028.
2.The District Registrar
District Registrar Office
Pattukkottai, Thanjavur District.

3.The Sub Registrar
Sub Registrar Office
Pattukkottai, Thanjavur District.

4.Hurunisha
5.Mohammed Abdulla ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 31.05.2022 and consequently direct the 2nd respondent to cancel the settlement deed in Doc.No.1158/2015 dated 29.05.2015 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.P.Muthusamy
For RR4 & 5 : M/s.Ajmal Associates

WP.[MD].No.17719/2022:-

Kalil Rahman.S ... Petitioner

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Vs.

1.The Inspector General of Registration
100, Santhome High Road, Pattinapakkam
Chennai-600 028.

2.The Deputy Inspector General of Registration,
Near Johns College, Palayamkottai, Tirunelveli District.

3.The District Registrar [Administration]
Kokkirakulam, Tirunelveli District.
4.The Sub Registrar,
Melapalayam Sub Registrar Office
Melapalayam, Tirunelveli District.

5.Mymoon Beevi
6.Syed Ali Akbar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 27.07.2022 for th cancellation of rectification deed executed by the 5th respondent in favour of the 6th respondent in Doc.No.1780/2018 dated 11.04.2018 on the file of the 4th respondent and further direct the respondents not to register any documents based on the same.

For Petitioner : Mr.C.Susi Kumar
For RR5&6 : Mr.D.Nallathambi

WP.[MD].No.18419/2022:-

G.Kanagaraj ... Petitioner

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Vs.

1.The Inspector General of Registration
Registration Department
100, Santhome High Road,
Chennai-600 028.

2.The Deputy Inspector General of Registration,
St.Mark Street, Near Sankar Colony
Palayamkottai, Tirunelveli District.

3.The District Registrar
District Registrar Office
Palayamkottai Range
Kokkirakulam, Tirunelveli District.

4.The Sub Registrar,
The Sub Registrar Office
Palayamkottai Taluk,
Thoothukudi District.

5.J.Kombaiah ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of the Impugned Order of the 2nd respondent in N.K.No.1093/TaPi/2022 dated 14.07.2022 and quash the same and consequently to direct the official respondents herein to cancel settlement deed in Doc.No.5764/2020 dated 31.08.2020 in favour of the 5th respondent registered on the file of the 4th respondent and to remove the entry of settlement deed in Doc.No.5764/2020 dated 31.08.2020 from their records within the time stipulated by this Court.

For Petitioner : Mr.G.Kanagaraj
Party-in-person
For R5 : Mr.P.Banu Prasath

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WP.[MD].No.24610/2022:-

Senthil Kumar Gurusamy ... Petitioner

Vs.

1.The District Registrar
O/o.The District Registrar,
Virudhunagar, Tamil Nadu.

2.The Sub Registrar,
O/o.Sub Registrar,
Sivakasi, Tamil Nadu.

3.Solai Kumar Gurusamy ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 17.08.2022 to cancel the settlement deed dated 24.08.2011 which was registered as document number 7824/211 in book number 1.

For Petitioner : Mr.R.Devaraj
For R3 : M/s.Polax Legal Solutions

WP.[MD].No.24805/2022:-

P.Selvam ... Petitioner

Vs.

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1.The District Registrar [Administration]
O/o.The Sub Registrar Complex,
Dindigul District, Dindigul.

2.Vellaiyammal
3.Sadhasivam
4.P.Muthuvel
5.P.Murugesan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider my representation dated 30.06.2022 with regard to illegal sale by impersonation and fabricated documents of the petitioner's property in survey No.583/6 and survey No.584/5, Chettinaickenpatti Village, Dindigul West Taluk and within the Sub Registration District Joint II, Dindigul by giving opportunity of hearing to the respondents 2 to 5 by fixing the time frame by this Court.

For Petitioner : Mr.M.S.Suresh Kumar
For R2 & R3 : M/s.B.Jameela Arasu
For RR4&5 : Mr.Goamthi Sankar

WA.No.794/2023:-

E.Harinath .. Appellant

Versus

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1.The Inspector General of Registration
100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

2.The District Registrar [Admin]
The District Registrar Office
Chengalpattu Registration District,
No.10, Kancheepuram High Road
Chengalpattu 603 002.

3.Mr.M.Natesan .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order dated 09.02.2023 passed in WP.No.3804/2023.

For Appellant : Mr.J.Ravikumar
For R3 : S.Ganesan

WA.No.1130/2023:-

Mahindra World City Developers
Ground Floor, Mahindra Towers
No.17/18, Patulous Road
Chennai 600 002. .. Appellant

Versus

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

2.The District Registrar

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Chengalpattu, JCK Nagar,
Chengalpattu, Tamil Nadu 603 002.

3.Sekhar .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order dated 28.04.2023 in WP.No.13099/2023.

For Appellant : M/sAishwaryas Nathan
For R3 : Mr.M.Marimuthu

WA.No.2211/2023:-

Vijayakumar .. Appellant

Versus

1.The District Registrar [Administration]
District Registrar Office, Namakkal.

2.Devaraj
3.Poongodi
4.Minor Lakshana
5.Minor Indiresh .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order made in WP.No.17956/2023 dated 20.06.2023.

For Appellant : Mr.J.Titus Enock

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WA.No.2386/2023:-

R.Subramanian .. Appellant

Versus

1.The District Registrar [Administration]
O/o.The District Registrar, Namakkal.

2.P.Marappan .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order dated 19.07.2023 dismissing the writ petition in WP.No.9313/2023.

For Appellant : Mr.I.Abrar Mohamed Abdullah

WP.[MD].No.2734/2023:-

1.Sudalai Boopathi
2.Gurunathan ... Petitioners

Vs.

1.The District Registrar,
District Registrar Office,
Tenkasi District.

2.S.Suresh
3.Bharathi Raja
4.Thirumalaimannan
5.Arumugam

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6.Sobahar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider petitioner's representation dated 23.12.2022 to conduct enquiry and cancel the documents in respect of the property i.e S.No.275/6 which absolutely belong to the Gurusamy temple viz., doc.no.2462/2011 dated 04.05.2021 , Doc.No.2685/2017 dated 17.08.2017, Doc.No.2666/2020 dated 07.07.2020, Doc.No.1279/2021 dated 10.03.2021 doc.No.2823/2021 dated 11.06.2021 and doc.No.2422/2022 dated 27.04.2022 on the file of the Sub Registrar, Pavoor Chatram within the time fixed by this Court.

For Petitioners : Mr.B.Baskar

WP.No.2792/2023:-

D.K.Venkatesan ... Petitioner

Vs.

1.Government of Tamil Nadu
rep.by the Secretary to Government
[Legislation], Law Department
St George's Fort, Chennai 600 009.

2.The District Registrar [Administration]
South Chennai, O/o.The District Registrar
South Chennai Registration District
Commercial Tax & Registration Department
Combined Campus [Ground Floor], Veterinary
Hospital Road, Panpet, Nandanam
Chennai 600 035.

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3.P.R.Vittal .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of declaration declaring section 4 of the Act 41 of 2022 issued by the 1st respondent published in Tamil Nadu Government Gazette Extraordinary No.428 dated 16.08.2022 and consequent Notice-I bearing No.17104/E2/2022 dated Nil as null and void and contrary to Article 14 and Article 300-A of the Constitution of India.

For Petitioner : Mr.K.Sakthivel

WA.No.850/2023:-

Ravichandran .. Appellant

Versus

1.The District Registrar [Administration]
Office of the District Registrar,
No.4/36, Lalkhan Street
Chidambaram 608 001.

2.Mrs. Geetha .. Respondents

Prayer:- Writ Appeal filed under Clause 15 of the the Letters Patent against the order dated 14.02.2023 made in WP.No.3379/2023.

For Appellant : Mr.P.R.Thiruneelakandan

WA.No.2893/2023:-

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S.Perumal .. Appellant

Versus

1.The Deputy Inspector General Registration
O/o.The Inspector General of Registration
Salem.

2.The District Registrar [Administration]
Salem East, Salem.

3.The Sub Registrar
O/o.The Sub Registrar, Veerapandi
Salem District.

4.S.Rajendran .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent against the order passed in WP.No.740/2023 dated 11.01.2023.

For Appellant : Mr.R.Nalliyappan

WA.Nos.3459, 3465, 3469 & 3483/2023:-

Urmila Sridhar .. Appellant in all the 4 appeals

Versus

1.The Inspector General of Registration
100, Santhome High Road, Chennai 600 028.

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2.The District Registrar,
No.1/529, Neruppericchal Village,
Poovulappatti Post, Tirupur 641 602. .. RR1 & 2 in all Writ Appeals

3.Sellamuthu .. R3 in WA.No.3459/2023

4.A.Palanisamy .. R3 in WA.No.3465/2023

5.Prakash
6.Poongothai
7.Sellammal .. RR 3 to 5 in WA.No.3469/2023

8.S.Ramar .. R3 in WA.No.3483/2023

Common Prayer : Writ Appeals filed under Clause 15 of the the Letters Patent against the orders passed in WP.No.29354, 29355, 29357 & 29352/2023 dated 11.10.2023.

For Appellant in all Writ Appeals : M/s.Waraon and Sai Rams

WP.[MD].No.4840/2023:-

Sundaragopalan ... Petitioner

Vs.

1.The District Registrar [Admin]
Pudukottai District, Pudukottai.

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2.The Sub Registrar,
Thirumayam Registration Office
Thirumayam, Pudukottai District.

3.Mr.Alagu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the Impugned Order made by the 1st respondent in her proceedings in Na.Ka.No.2770/A2/2021 dated 07.10.2022 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff
For R3 : Mr.N.Kamesh

WP.[MD].No.5108/2023:-

Kokila ... Petitioner

Vs.

1.The District Registrar [Admin]
Pattukottai.

2.The Joint Sub Registrar No.II
Pattukottai, Thanjavur District.

3.Ponmalar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the Impugned Order passed by the 1st respondent in Na.Ka.No.3570/A4/2022 dated 21.02.2023 and quash the same insofar as the order restraining registration of the petitioner's property in respect of S.Nos.491A, 49/B amd 49/10 on the file of the 2nd respondent.

For Petitioner : M/s.J.Anandhavalli

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For R3 : Mr.A.Arun Prasad

WP.[MD].No.5399/2023:-

A.Karmegam ... Petitioner

Vs.

1.The State rep.by its
Inspector General of Registration,
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram, Chennai 600 028.

2.the State rep.by its
Deputy Inspector General of Registration
Combined Building of Registration Office
Tamil Nadu Agriculture University Nagar
Rajakambeeram, Madurai 625 107.

3.The State rep.by its
District Registrar,
O/o.The District Registrar,
Thirupathur Road, Sivaganga.

4.The State rep.by its
Sub Registrar, Manamadurai
Sivaganga District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 3rd respondent to cancel the forged documents by considering the petitioner's representations dated 26.12.2022 and 19.01.2023 and to pass appropriate orders on merits.

For Petitioner : Mr.A.Arun Prasad

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WP.[MD].No.5413/2023:-

S.Kannan ... Petitioner

Vs.

1.The Secretary
Commercial Taxes & Registration Department
Tamil Nadu Government
Chennai 600 009.

2.The Deputy Inspector General
Registration Department
Tenkasi, Tenkasi District.

3.The District Registrar,
O/o.The District Registrar,
Tenkasi, Tenkasi District.

4.The Sub Registrar
Surandai Sub Registrar Office
Surandai, Tenkasi District.
5.Mr.Esakki
6.M.Ramesh ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to direct the 3rd respondent to enquiry and order to cancel the settlement deed 3000/2004 and sale deed No.1561/2007 registered in the 4th respondent office on the basis of the representation dated 31.01.2023.

For Petitioner : Mr.B.Char Murugan

WP.[MD].No.5418/2023:-

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Ananth Sudharshan ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road, Chennai.

2.The District Registrar [Admin]
Palayamkottai, Tirunelveli District.

3.The Sub Registrar,
Kadambur, Kovilpatti Taluk
Thoothukudi District.

4.K.Rengammal
5.Madathi
6.V.Subbiah
7.V.Nagaraj
8.V.Naranammal @ Nalini ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the Impugned Order dated 21.02.2023 in Na.Ka.No.9170/A5/2022 passed by the 2nd respondent and to quash the same.

For Petitioner : Mr.V.Sasikumar
For R4 : Mr.M.Karthikeya

WP.[MD].No.5449/2023:-

S.Muthumanickam ... Petitioner

Vs.

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1.The Inspector General of Registration
Santhome High Road, Santhome
Chennai.

2.The District Registrar,
Virudhunagar District,
Virudhunagar.

3.Malathy
4.Karuppiah
5.Selvam
6.Arunachalam
7.Rajeshwari
8.Veerapathiran
9.Vasuki ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose of the petitioner's petition filed in No.6513/22/Aa5 dated 29.09.2022 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.C.Jeyaprakash
For R3 : Mr.T.Thirumurugan

WP.[MD].No.5492/2023:-

Lily Robinson ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road, Santhome
Chennai.

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2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.R.Sundar Singh
4.S.Saffery Burzila ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose of the petitioner's petition dated 15.02.2023 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.C.Jeyaprakash

WP.[MD].No.5497/2023:-

Chitralekha ... Petitioner

Vs.

1.The District Registrar,
Karaikudi, Sivagangai District.

2.C.Sureshkumar
3.A.Pandi Selvam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 22.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.Rm.Arun Swaminathan
For R2 : Mr.R.Prasanna

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For R3 : Mr.J.Ananthkumar

WP.[MD].No.5613/2023:-

V.Ilayaraja ... Petitioner

Vs.

1.The District Registrar [Admin]
Madurai South, Madurai.

2.The Sub Registrar
Joint I, Palace Road, Madurai.

3.S.Nagarajan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the Impugned Order passed by the 1st respondent vide Na.Ka.No.10129/Aa2/2022 dated 16.02.2023 and quash the same and to forber the 2nd respondent to register any document presented for registration by the 3rd respondent.

For Petitioner : Mr.Babu Rajendran

WP.[MD].No.6288/2023:-

Jeyachandran ... Petitioner

Vs.

1.The District Registrar [Administration]
Palani, Dindigul District.

2.The Joint Sub Registrar No.1

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Palani, Dindigul District.

3.Ravichandran
4.Jegan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the impugned notice of the 1st respondent by his proceedings in No.1076/E1/2023 dated 08.03.2023 and quash the same as illegal.

For Petitioner : Mr.N.Adhithya Vijayalan

WP.[MD].No.6443/2023:-

M.Raveenthiran ... Petitioner

Vs.

1.The District Collector
Karur District.

2.The District Registrar,
Registration Department
Karur, Karur District.

3.The Sub Registrar
O/o.The Sub Registrar,
Registration Department
Chinna Tharapuram, Karur District.
4.T.Ponnusamy ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent namely the District Registrar, Registration Department, Karur to conduct an enquiry for the purpose of cancellation of Sale Deed dated 17.03.2022 executed by the

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petitioner in respect of lands in survey No.1067 [1][Part], 1067[2][part], 678[part] Thennilai Melpagam Village, Aravakurichi Taluk, Karur District in terms of Section 77A of the Registration Act.

For Petitioner : Mr.C.Prakasam

WP.[MD].No.6850/2023:-

V.Suresh Kumar ... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District
Virudhunagar.

2.The Sub Registrar
Veerachozhan,
Virudhunagar District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to consider the petitioner representation dated 06.02.2023 by confirming his earlier order in Na.Ka.No.2205/AA4/2016 dated 02.08.2016 relating to land in S.No.29/1B measuring to an extent of 2.46.0 hectare situated at Veerakudi Village, Tiruchuli Taluk, Virudhunagar District and also mark/restore the entry in the encumbrance certificate stating that the Sale Deed in Doc.No.1450/2012 dated 29.10.2012 as fraudulent document within time frame to be fixed by this Court.

For Petitioner : Mr.V.Sukumar

WP.[MD].No.7920/2023:-

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A.Ravichandran ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road, Chennai.

2.The Deputy Inspector General of
Registration, O/o.The Deputy Inspector
General of Registration, Madurai District.

3.The District Registrar,
O/o.The District Registrar,
Madurai District.

4.The Sub Registrar,
Sub Registrar Office,
Alanganallur, Madurai District.

5.V.P.Raju Thevar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 to 4 to cancel the document in 3431/2013 on the file of the 4th respondent by conducting suitable enquiry on the petitioner's representation dated 03.02.2023.

For Petitioner : Mr.S.Syed Mohammed Badhusa

WP.[MD].No.8305/2023:-

Sujatha ... Petitioner

Vs.

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1.The District Registrar [Admin]
Sivagangai, Sivagangai District.

2.The Sub Registrar,
Manamadurai Registrar Office
Sivagangai District.

3.S.Tamil Selvan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records relating to the Impugned Order made by the 1st respondent in his proceedings in Mu.Mu.No.4623/E1/2022 dated 16.02.2023 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

WP.[MD].No.8600/2023:-

N.Elayalwar ... Petitioner

Vs.

The District Registrar [Administration]
District Registrar Office,
Tirunelveli. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondent to dispose the petitioner's petition dated Nil in connection with the respondent's summon dated 02.09.2022 in Na.Ka.No.5001/A5/2022 to cancel the fraudulent documents dated 06.04.2022 and 23.05.2022 in Doc.Nos.1073/2022 and 1661/2022, SRO, Ettaiyapuram in respect of petitioner's land and building comprising in GR.Nos.368/3 and 368/38, Ettaiyapuram Village, Thoothukudi District, which is pending with the respondent within a time frame to be fixed by this Court.

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For Petitioner : Mr.J.Parekh Kumar

WP.[MD].No.8832/2023:-

P.Easwaran ... Petitioner

Vs.

1.The District Registrar
Periakulam Registration District,
Periakulam, Theni District.

2.The Sub Registrar,
Office of the Sub Registrar,
Aundipatti, Theni District.

3.S.Arun @ Jeyachandran
4.Jeyachandran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to enquire the D.No.1106/2022 and 1107/2022 dated 17.02.2022 registered before the 2nd respondent office and consequently endorse the same in the Registry of the said office based on the petitioner's representation dated 30.11.2022.

For Petitioner : Mr.T.Selvan

WP.[MD].No.9386/2023:-

R.Manickam ... Petitioner

Vs.

1.The Inspector General of Registration

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100, Santhome High Road, Mandavelipakkam
R.A.Puram, Chennai

2.The District Registrar
District Registrar Office
Thanjavur.

3.K.Ravichandran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records vide Mu.Mu.No.3825/A4/2022 daed 15.03.2022 issued by the 2nd respondent and to quash the same.

For Petitioner : Mr.T.A.Punithan
For R3 : Mr.P.Ganapathi Subramanian

WP.[MD].No.9523/2023:-

M/s.Alpha Realcon Pvt.Ltd
rep.by its Authorised Person Muhammed
Abdul Kareem Faizal having office at
No.118, JP House, 2nd Floor
Shahpurjat, New Delhi 110 049. ... Petitioner

Vs.

1.The Inspector General of Registration
100, Santhome High Road, Mullima Nagar
Mandavelipakkam, Raja Annamalaipuram
Chennai 600 028.

2.The District Registrar
Idalakudi Sub Registrar Office

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SLB Girls Government High School
Near South Road, Nagercoil 629001
Kanyakumari District.

3.The District Registrar
Coimbatore District Registrar Office
Collector office Compound
State Bank Road, Coimbatore 641 018.

4.The Sub Registrar
The Idalakudi Sub Registrar office
Idalakudi, Kanyakumari District.

5.Mr.Abdul Rayuf
6.Mrs.Sherin
7.Mr.Rahul Ram
8.Mr.Sarvesh Babu
9.Mr.Saidu Mohamed ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose of the petitioner representation dated 19.11.2022 in accordance with the provisions of the Indian Registration Act, 1908.

For Petitioner : Mr.K.V.Sundararajan

WP.[MD].No.9556/2023:-

R.Ponnuthai ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
100 Santhome Highways, Pattinapakkam
Chennai.

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2.The District Registrar [Administration]
Virudhunagar District, Virudhunagar.

3.The Sub Registrar Joint II
O/o.The Sub Registrar,
Virudhunagar District, Virudhunagar.

4.Manisubramaniam
5.M.S.Arumugarajan
6.M.S.Meenatchisundaram
7.M.S.Manthiramoorthy
8.V.Muthupandian
9.M.Saravanan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to pass orders on the enquiry conducted by him in his proceedings in Na.Ka.No.5798/A4/2022 under section 77A of the Tamil Nadu Registration Act, 1908 for cancellation of the registration of the settlement deed registered as Doc.No.356/2017 dated 10.02.2017 and the sale agreement registered as Doc.No.361/2017 dated 10.02.2017 on the file of the 3rd respondent within the period that may be stipulated by this Court.

For Petitioner : Mr.Ajmal Khan, Senior counsel for
M/s.Ajmal Associates
For RR4 to 9 : Mr.M.Jothi Basu

WP.[MD].No.9563/2023:-

P.Kamaraj ... Petitioner

Vs.

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1.The Inspector General of Registration
Chennai.

2.Assistant Inspector General of Registration
O/o.Othakadai Registrar office
1st Floor, Madurai – 23.

3.The Deputy Inspector General of Registration
Department, O/o.Othakadai Registrar Office
1st Floor, Madurai – 23.

4.The District registrar
Chokkikulam Registrar Office
Madurai.

5.Vigneshwaran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to cancel the sale deed vide Doc.No.593/2022 and 5128/2022 as per the petitioner representation dated 13.02.2023 within a time frame, fixed by this Court.

For Petitioner : M/s.K.M.Priscilla Jancy

WP.[MD].No.9638/2023:-

P.Tamil Selvi ... Petitioner

Vs.

1.The District registrar [Administration]
District Registrar Office, Ramanathapuram
Ramanathapuram District.

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2.Mr.M.R.Kanna ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari to call for the records pertaining to the Impugned Order in Na.Ka.No.5314/A1/2022 dated 07.03.2023 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.I.Pinaygash

WP.[MD].No.9681/2023:-

T.Koilpitchai ... Petitioner

Vs.

1.The District registrar [Administration]
District Registrar Office, Palayamkottai
having office at District Collector's Office
Campus, Kokkirakulam, Tirunelveli.

2.The Sub Registrar,
Nazareth, Thoothukudi District.

3.R.Ratheeshkumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari to call for the records relating to the impugned proceedings of the 1st respondent in Na.ka.No.10146/A3/2022 dated 21.03.2023 and quash the same.

For Petitioner : Mr.M.P.Senthil

WP.[MD].No.10378/2023:-

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Henry Raj ... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Trichy District.

2.The District Registrar,
O/o.The District Registrar,
Kandonment, Trichy District.

3.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Trichy District.

4.The Sub Registrar,
No.1, Joint Sub Registrar Office
District Registrar campus
Trichy District.

5.Joseph Raj ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondents 2 and 4 herein to conduct the enquiry for cancelling the settlement deeds in respect of document No.1030/2016 dated 22.02.2016 on the file of 4th respondent herein by considering the petitioner representations dated 22.12.2020, 03.02.2023 in accordance with law, within time stipulated by this Court.

For Petitioner : Mr.D.Balamuruga Pandi

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WP.[MD].No.10525/2023:-

Rabiya Basari Begam ... Petitioner

Vs.

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Chennai.

2.The District Registrar [Admin]
Pattukkottai, Thanjavur District.

3.The Sub Registrar I
Pattukkottai, Thanjavur District.

4.The Sub Registrar-II
Pattukkottai, Thanjavur District.

5.Sambasivam
6.Shanmugasundaram ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records relating the Impugned Order passed by the 2nd respondent in his proceedings in Na.Ka.No.2864/A4/2022 dated 23.02.2023 and the consequential Impugned Order passed by the 1st respondent vide his proceedings in A.Thi.Mu.No.13198/U3/2023 dated 11.04.2023 returning the appeal by the petitioner consequently to direct the 2nd respondent to cancel sale deeds in Doc.No.413/1981 on the file of the 3rd respondent and Doc.No.1288/2020 on the file of the 4th respondent under section 77-A of the TN Registration Act, 1908.

For Petitioner : Mr.Ajmal Khan, Senior counsel for
M/s.Ajmal Associates

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For RR5 & 6 : Mr.D.R.Murugesan

WP.[MD].No.10705/2023:-

Weslin Gnanaraj Stephen ... Petitioner

Vs.

1.The District Registrar,
Thoothukudi Registration District,
Thoothukudi.

2.The Sub Registrar,
Pudukkottai Sub Registrar Office
Thoothukudi District.

3.Selvasundari
4.Anitha Janci
5.Minor Abinithi Pandiyan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to conduct and complete the enquiry proceedings and to cancel the forgery settlement deed dated 12.02.2019 in Doc.No.484/2019 on the file of the 2nd respondent by considering the petitioner's representation dated 12.02.2022 within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan

WP.[MD].No.12885/2023:-

V.Mani ... Petitioner

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Vs.

1.The District Registrar
Palani, Dindigul District.

2.The Sub Registrar
Gujiliamparai Sub Registrar Office
Gujiliamparai, Dindigul District.

3.V.Rajendran
4.P.Maruthamuthu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st and 2nd respondents herein to enquire and cancel the sale deed in Doc.No.1151/2023 dated 12.04.2023 based on the petitioner's representation dated 16.05.2023.

For Petitioner : Mr.G.Gomathisankar
For R4 : Mr.S.Madhavan

WP.[MD].No.13385/2023:-

N.Sivalingam ... Petitioner

Vs.

1.The District Registrar [Admn]
Madurai Registrar Office
Madurai south, Palace Road
Madurai 625 001.

2.Elangovan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records of the 1st respondent pertaining to impugned notice dated 09.02.2023 and subsequent notice

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dated 24.03.2023 proceedings in Na.Ka.No.10687/Aa2/2022 and quash the same and for such other reliefs within a period stipulated by this Court.

For Petitioner : Ms.R.Ranjitha
For R2 : Mr.M.Musthafakhan

WP.[MD].No.13567/2023:-

S.Athinarayanan ... Petitioner

Vs.

1.The District Registrar [Admn]
I/c.Assistant Director of Registration
Madurai South, Madurai.

2.K.E.Rajendran ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to Impugned Order dated 03.05.2023 made in Na.Ka.No.8332/Aa2/2022 passed by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.C.Senthil Murugan
For R2 : Mr.M.Solaisamy

WP.[MD].No.13994/2023:-

D.Vijayraj Selvin Durai ... Petitioner

Vs.

1.The Secretary
Commercial Taxes & Registration Department
Tamilnadu Government
Fort St George, Chennai 600 009.

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2.The Deputy Inspector General of Registration
Deputy Inspector General of Registration Office
Palayamkottai 627 002, Tirunelveli District.

3.The District Registrar
Office of the District Registrar,
Palayamkottai 627 002, Tirunelveli District.

4.The Sub Registrar,
Moolaikaraipatty,
Nanguneri Taluk,
Tirunelveli District.

5.S.Patturose
6.Sundharsingh ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to direct the 3rd respondent to enquire and order to cancel the settlement deed No.180/2023 and another Settlement Deed No.1690/2014 registered in the 4th respondent office on the basis of the representation dated 27.04.2023.

For Petitioner : Mr.B.Char Murugan
For RR 5 & 6 : Mr.P.Rajesh

WP.[MD].No.14402/2023:-

S.Perumal ... Petitioner

Vs.

1.The District Registrar,
Tirunelveli District, Tirunelveli.

2.The Sub Registrar
O/o.The Sub Registrar,

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Nanguneri, Tirunelveli District.

3.Vengadam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to enquire the D.No.4821/2010 dated 20.10.2010 registered before the 2nd respondent office and consequently endorse the same in the registry of the said office based on the petitioner representation dated 06.10.2022.

For Petitioner : Mr.T.Selvan

WP.[MD].No.14865/2023:-

1.K.M.Sivaazhagumanickam
2.K.Ananthanatarajan ... Petitioners

Vs.

1.The District Registrar,
Tirunelveli District, Tirunelveli.

2.The Sub Registrar
O/o.The Sub Registrar,
Nanguneri, Tirunelveli District.

3.Vengadam ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to enquire the D.No.4821/2010 dated 20.10.2010 registered before the 2nd respondent office and consequently endorse the same in the registry of the said office based on the petitioner representation dated 06.10.2022.

For Petitioners : Mr.V.R.Shanmuganathan

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WP.[MD].No.15197/2023:-

Solai Kumar Gurusamy ... Petitioner

Vs.

1.District Registrar,
O/o.District Registrar,
Virudhunagar, Tamil Nadu.

2.Sub Registrar,
O/o.The Sub Registrar,
Sivakasi, Tamil Nadu.

3.Senthilkumar Gurusamy
rep.by his Power Agent Shri Mohamed Ismail ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records pertaining to the impugned notice dated 12.06.2023 in Na.Ka.No.268/2022 passed by the 1st respondent and to quash the same and a consequential direction forbearing respondents 1 and 2 from conducting any enquiry upon the complaint given by the 1st respondent until the issue is decided by this Court in the batch of writ petitions in WP[MD].No.14546/2022 and batch in its order dated 27.03.2023.

For Petitioner : M/s.Polax Legal Solutions
For R3 : Mr.A.B.Prabhakar

WP.[MD].No.15825/2023:-

Muhil Prabakaran ... Petitioner

Vs.

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1.The Inspector General of Registration
Inspector General of Registration office
No.100 Santhome High Road
Pattinapakkam, Chennai 600 028.

2.The District Registrar [Administration]
District Registrar Office North
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram, Othakadai
Madurai 625 107.

3.P.Pandi ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the order bearing No.7182/A3/2022 dated 05.04.2023 passed by the 2nd respondent pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.R.Manoharan

WP.[MD].No.22570/2023:-

1.Synammal Begam
2.Narayanan ... Petitioners

Vs.

1.The District Registrar [Administration]
Madurai North, Madurai District.

2.The Sub Registrar,

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Karugalakudi Sub Registrar Office
Melur Taluk, Madurai District.

3.S.Mohan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records pertaining to the Impugned Order passed by the 1st respondent vide his proceeding in No.1878/A2/2022 dated 07.07.2023 and quash the same as illegal.

For Petitioner : Mr.A.Jayaramachandran

WP.[MD].No.29682/2023:-

1.V.Jayavel
2.S.Sennakesavan
3.V.Jawahar
4.J.Sabari Ganesh
5.T.Alagirisamy ... Petitioners

Vs.

1.The District Collector,
Thoothukudi District
Palayamkottai Road, Thoothukudi.

2.The District Registrar,
Thoothukudi District,
Integrated Registration Office Building
Thoothukudi.

3.The Sub Registrar,
Pudur, Thoothukudi District.

4.S.Ramakrishnan

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5.R.Ram Prasad
6.S.Manikandan
7.R.Praveena
8.M.Narmadha
9.V.Thanigairaj
10.R.Padma ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 1st respondent to dispose the petition dated 25.10.2023 filed by the petitioners regarding fraudulent registration of document bearing No.1835/2021 dated 25.10.2021 registered before the 3rd respondent by the 4th to 10th respondents.

For Petitioners : Mr.P.Venkatesan
For RR5 to 10 : Mr.M.Ramasamy

WA.No.3227/2023:-

B.Manoharan .. Appellant

Versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Santhome, Mylapore, Chennai 600 004.
2.The Deputy Inspector General of Registration
Coimbatore Zone, O/o.DIG Registration
Coimbatore.

3.The District Registrar [Admin] [AIG Cadre]
O/o.The District Registrar, Coimbatore.

4.The Sub Registrar,
Office of the Sub Registrar
Gandhipuram, Coimbatore.

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5.G.Ravichandran
6.VEnkateshwaran
7.Chandrakumar
8.Palanisamy .. Respondents

Prayer : Writ Appeal filed under Clause 15 of the the Letters Patent to set aside the order in WP.No.19293/2023 dated 17.07.2023.

For Appellant : Mr.A.Parthasarathy

WP.[MD].No.7052/2023:-

S.Muthumanickam ... Petitioner

Vs.

1.The Inspector General of Registration
Santhome High Road, Santhome
Chennai 600 028.

2.The District Registrar,
Virudhunagar District, Virudhunagar.

3.Malathy
4.Murugan
5.Jayakumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 06.02.2023 and 01.03.2023 within a stipulated time as fixed by this Court.

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For Petitioner : Mr.C.Jeyaprakash

WP.No.26952/2022:-

T.Arockia Dass ... Petitioner

Vs.

1.The Chief Secretary
Government of Tamil Nadu
Fort St George, Secretariat
Chennai.

2.The Principal Secretary
Government of Tamil Nadu
Commercial Tax and Registration
Department, Fort St George
Secretariat, Chennai.

3.The Inspector General of Registration
Santhome High Road, Raja Annamalai Puram
Chennai-600 028. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of declaration declaring the provisions 22B and 77A of the Registration Act, 1908 as amended in Act 41 of 2022 violation the Constitution of India and ultra virus to the constitutional mandate pertaining to the separation of power between the executive and judiciary and contrary to the scheme and object of the Registration Act, 1908.

For Petitioner : Mr.V.Subramanian

WP.No.19264/2023:-

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1.S.Valarmathi
2.C.Chellam
3.S.Rajeswari
4.S.Muruganantham .. Petitioners

Versus

1.The Government of Tamil Nadu
rep.by its Secretary, Registration Department
[Commercial Tax and Registration]
Secretariat, Fort St George, Chennai 600009.

2.The Inspector General of Registration
No.100, Santhome High Road
Santhome, Chennai 600 028.

3.The District Registrar,
O/O.The District Registrar
Pudukottai.

4.Tmt.P.Kaveriammal .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration declaring that Section 77-A and Section 77-B of the Registration Act, 1908 inserted by way of Amendment represented by the 1st respondent which was brought into force with effect from 16.08.2022 so as to declare the same as "Null and Void" repugnant to the Constitution of India in terms of Article 19[i][g] and Article 330-A of the Constitution of India.

For Petitioner : Mr.S.Vinod

WP.No.20907/2023:-

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V.Vasantha .. Petitioner

Versus

1.Union of India
rep.by its Principal Secretary
Department of Home, New Delhi 110 001.

2.The Government of Tamil Nadu
rep.by its Principal secretary
Department of Commercial Taxes & Registration
Fort St George, Chepauk, Chennai 600 009.

3.The Inspector General of Registration
having its office at No.112, Santhome High Road
Chennai.

4.The District Registrar [Administration]
O/o.The District Registrar
JVC Commercial Complex, near ICMR
Vedanginallur, Thiruvallur 631 203.

5.Dr.V.Nagasamy
6.Mr.V.Natarajan
7.Mr.M.G.Maharajan .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration declaring sections 77-A and 77-B of the Registration Act, 1908 brought in by Act 41 of 2022 by the Registration [Tamil Nadu II Amendment] Act 2021, by amending the Registration Act, 1908 in its application to the State of Tamil Nadu as Un-constitutional and opposed to Article 14,246 and 300-A of the Constitution of India.

For Petitioner : Mr.K.Sellathurai

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For R1 : Mr.A.Veeramani, CGC
For R5 to R7 : Mr.S.Feroz Khan

WP.No.4161/2024:-

Mr.Narendra Barlalka .. Petitioner

Versus

1.The Government of Tamil Nadu
rep.by its Secretary,
Commercial Taxes & Registration Dept
Secretariat, Fort St George
Chennai 600 009.

2.The Inspector General of Registration
Tamilnadu Registration Department
Mylapore, Chennai 600 028. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of declaration declaring the impugned circular issued bdy the 2nd respondent herein in exercise of powers conferred under section 68[2] of the Registration Act, 1908 vide LR.No.41530/U1/2017 dated 08.11.2017 and consequent circular issued under section 69 of the Registration Act, 1908 vide Lr.No.41530/U1/2017 dated 31.07.2018 as ultra vires the Registration Act.

For Petitioner : Mr.M.Santhanaraman

WP.No.15128/2023:-

M/s.Zuari Cement Limited
rep.by its Plant Head Mr.Y.Nagendraprasad
Athipattu, Ponneri Taluk

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Thiruvallur District-120. .. Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Mullima Nagar, Madavelipakkam
Raja Annamalai Puram
Chennai Tamil Nadu 600 028.

2.District Registrar
O/o.District Registrar
Kuralagam, North Chennai.

3.Mr.Ulaganathan
4.Mrs.Nagammal
5.Mr.Babu Reddy .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorari calling for the records from 2nd respondent in Letter No.10002/A5/2022 dated 13.03.2023 and subsequent notice dated 20.04.2023 and quash the same.

For Petitioner : Mr.Srinath Srideven, Senior counsel
for Mr.S.Rajmakesh
For R3 : Mr.M.Elumalai
For R5 : Mr.V.Ajoy Khose

WP.No.15905/2023:-

Mahindra World City Developers
Ground Floor, Mahindra Towers, No.17/18
Patulous Road, Chennai 600 002. .. Petitioner

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Versus

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

2.The District Registrar
Chengalpattu, JCK Nagar
Chengalpattu, Tamil Nadu 603 002.

3.Vijayalakshmi .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Prohibition prohibiting the 2nd respondent from initiating any proceedings pursuant to show cause notice Na.Ka.No.4872/A2/2022 dated 20.01.2023 received on 20.02.2023.

For Petitioner : Mr.Srinath Sridevan, Senior counsel
for M/s.Aishwarya S.Nathan
For R3 : Mr.M.L.Ramesh

WP.No.31128/2023

P.Deepak Kumaran .. Petitioner

Versus

1.The Inspector General of Registration
O/o.The Inspector General of Registration
No.100, Santhome High Court Road
Mylapore, Chennai 600 028.

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2.The District Registrar [Administration]
Chennai South, Integrated Building for
Offices of the Commercial Tax & Registration
Department, Fanepet, Nandhanam, Chennai 600 035.

3.The Joint-I, Sub Registrar South I
Saidapet, Chennai 600 015.

4.Mr.R.Gopalaachari
5.Mrs.S.Subashree .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of the 2nd respondent vide order No.19371/E2/2022 dated 10.10.2023 and quash the same and direct the 3rd respondent to remove the remarks/entries made in Book No.1 pertaining to the Impugned Order.

For Petitioner : M/s.Genicon and Associates

On behalf of the learned counsels on record for the petitioners:-

Mr.Srinath Srideven, Senior Counsel
Mr.N.Jothi, Senior Counsel
Mr.Raja Kalifulla, Senior Counsel
Mr.R.Srinivas, Senior Counsels
Mr.K.V.Babu
Mr.K.Sakthivel
Mr.S.Sathiaseelan
Mr.Sharath Chander

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Mr.H.Arumugam
Mr.V.Subramanian
Mr.Ramesh
Mr.M.Santhanaraman
Mr.V.Subramanian
Mr.Narayanan

<u>On behalf of the Registration Department:-</u>

Mr.P.S.Raman, Advocate General assisted by
Mr.R.Ramanlaal, Additional Advocate General &
Mr.Yogesh Kannadasan, Special Government Pleader

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COMMON ORDER

S.S.SUNDAR, J.,

W.P.No.9125 of 2023 :

All the above matters are either directed to be listed before us by orders of Reference or tagged as connected matters in view of common issues relating to the constitutional validity of Sections 77-A, 77-B and 22-B of Registration Act, as introduced by Registration [Tamil Nadu Second Amendment Act] 2021 [Act 91 of 2022] and its retrospective operation. In order to appreciate / understand the legal grounds raised and argued on either side and the reasons for reference by orders, we deem it necessary to give the outlines on facts in few individual cases which are as follows:

2.W.P.No.9125 of 2023 is filed for issuance of a Writ of Prohibition prohibiting the District Registrar from proceeding any further pursuant to the Show Cause Notice dated 14.02.2023, calling upon the petitioners to show cause why the document vide Document No.69 of 2007 registered by the Sub-Registrar, Kumarapalayam, should not be cancelled in exercise of power under Section 77-A of the Registration Act.

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3.The petitioner in W.P.No.9125 of 2023 purchased the property in respect of S.No.446/4 in Kumarapalayam Amani Village, Namakkal District, under a Sale Deed dated 11.01.2007. The petitioner raised a contention that the District Registrar has no jurisdiction to nullify the document which was registered long before Section 77-A of Registration Act was introduced.

4.While hearing the writ petition, our Brother, Hon'ble Mr. Justice M.S.RAMESH, after referring to the judgment of a learned Single Judge of this Court in ***E.Geetha Helan Alexandria and others v. the Joint Sub Registrar No.II, Dindigul and others [W.P.(MD) No.6947 of 2019, dated 02.01.2023]*** wherein Section 77-A as introduced to the Registration Act and the Circular thereafter are held to be prospective and the judgment of a learned Single Judge of this Court in ***E.Harinath v. Inspector General of Registration, Chennai and others [W.P.No.3804 of 2023, dated 09.02.2023]*** wherein a contrary view was taken that the District Registrar can invoke Section 77-A even in respect of the documents registered prior to amendment, opined that the question whether Section 77-A of Registration Act will have a prospective or retrospective effect has to be settled by a

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larger Bench of this Court and hence, directed the above writ petition to be placed before the Hon'ble Acting Chief Justice for obtaining orders.

5.Identical issue was raised in W.P.Nos.10291 of 2022, 8445 & 8768 of 2023 and Hon'ble Mr. Justice M.S.RAMESH passed similar orders in these matters by referring the matters to a larger Bench. Therefore, the said matters were also placed before the then Hon'ble Acting Chief Justice, for consideration. The then Hon'ble Acting Chief Justice directed the matters to be listed before this Bench.

6.Several petitions were also filed before the District Registrars concerned for cancellation of registered documents of conveyance. In all the cases, the District Registrars issued show cause notices to the parties concerned. Many individuals who have filed petitions/applications before the District Registrars for cancellation of instruments in exercise of powers under Section 77-A of the Registration Act, 1908, have filed writ petitions for issuance of a writ of mandamus to direct the District Registrars concerned to consider their representations regarding cancellation of

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registered documents. Similarly, persons who have received show cause notices have also filed writ petitions questioning the authority and jurisdiction of the District Registrars to hold enquiry under Section 77-A with reference to registered documents.

7.When a batch of writ petitions in WP.Nos.14546 & 21199/2022 and WP.Nos.6556, 4983, 5396, 5397, 5413, 5418, 5419, 5449, 5492, 5497, 5613, 5782, 6215, 6288, 6333, 6433 and 6457/2023 falling under these two category of cases came up before the Hon'ble Mr. Justice C.V.KARTHIKEYAN, after referring to the conflicting views expressed by this Court in a few judgments, regarding the purpose of Section 77-A, its applicability with retrospective effect and a few other judgments on the scope of Specific Relief Act, 1877, His Lordship referred the following issues for due consideration by a Larger Bench:-

i)whether the recitals in a document presented for registration, can be examined to determine that such document was fraudulently executed or registered;

ii)whether a document in which the recitals

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alone are questioned can be considered only as voidable which would normally necessitate the filing of the suit to set aside the particular document or whether even those documents can be cancelled by the Sub Registrar under Section 77A of the Registration Act;

iii)whether exercise of power under Section 77A must be restricted to registration of documents in contravention to Section 22-A or 22-B of Registration Act, 1908 alone? And

iv) whether the exercise of such power under Section 77A of the Registration Act can be prospective in nature or retrospective in nature?

8.Thus, the above writ petitions are directed to be listed before us by orders of Reference. In the meanwhile, a batch of cases have been filed before this Court challenging constitutional validity of Section 22-B, Section 77-A and Section 77-B of Registration Act. They were also directed to be listed before this Court by Hon'ble Chief Justice. Since the decision in the batch of cases earlier referred to us by order of the Hon'ble Chief Justice depends upon the constitutional validity of the impugned provisions of the

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Registration Act, all other writ petitions and connected writ appeals were also directed to be listed before us.

9.In order to understand the scope of few more writ petitions and the two writ appeals listed before us, we prefer to give the factual particulars in the following cases to understand the grievance of parties more precisely.

[1]W.A.No.794 of 2023 :

10.The appellant in this Writ Appeal filed a writ petition earlier in W.P.No.27031 of 2018 challenging the proceedings of the Revenue authorities leading to the cancellation of patta in the name of his predecessor-in-title and the said writ petition was dismissed. The appellant filed a Writ Appeal in W.A.No.2308 of 2021 against the order in W.P.No.27031 of 2018 dated 14.06.2021. The said Writ Appeal is pending.

11.The 3rd respondent in this appeal, filed a Civil Suit in O.S.No.521 of 2014 to declare the sale deed dated 22.03.2012 executed by the 7th

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defendant in favour of the appellant as null and void. The 3rd respondent challenged every successive sale deeds executed from 15.09.2000 to 2012, transferring the property to different hands.

12.Pursuant to the Amendment introducing Section 22-B and Section 77-A to the Registration Act, a Circular is issued by the Inspector General of Registration dated 27.09.2022 to all the District Registrars giving guidelines. The 3rd respondent in the appeal filed a petition before the District Registrar, Chengalpattu Registration District, to cancel the sale deed in favour of the appellant as well as the previous sale deeds from 2000, even without any reference to Section 22-A or 22-B of Registration Act. Based on the petition filed by the 3rd respondent, the District Registrar issued notice dated 19.01.2023 to appear for an enquiry. Challenging the said notice, the appellant filed a writ petition in W.P.No.3804 of 2023.

13.The appellant made the following submissions before the learned Single Judge :

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i. The 3rd respondent has already filed a Civil Suit questioning all the sale deeds between 2000 and 2012 for similar relief and that parallel proceedings cannot be instituted invoking Section 77-A of the Act.

ii. The complaint ought not to have been entertained by the District Registrar/2nd respondent, as the 2nd respondent does not have jurisdiction to entertain such complaint in view of the pendency of the Civil Suit and also for the reason that the complaint is not maintainable even as per the Circular issued by the Inspector General of Registration dated 27.09.2022.

iii. Sale Deeds executed prior to the Amendment cannot be the subject matter of proceedings under Section 77-A.

14.However, a learned Single Judge of this Court held that, by virtue of Section 77-A of the Registration Act, the District Registrar is vested with the quasi-judicial power to entertain such complaint and to ascertain whether any fraudulent transaction had taken place and to cancel the registration if the document is fraudulent or bogus. The contention of the writ petitioner that the compliant is not maintainable when Civil Suit is

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pending for similar relief was also rejected, holding that the statutory power to decide such complaint under Section 77-A cannot be taken away by mere pendency of the Civil Suit. The writ petition was dismissed giving liberty to the petitioner to give his reply and to participate in the proceedings raising all the grounds that are available. Challenging the order of the learned Single Judge dated 09.02.2023, the Writ Appeal in W.A.No.794 of 2023 is filed.

[2]W.P.No.15905 of 2023 :

15.W.P.No.15905 of 2023 is filed for issuance of a Writ of Prohibition prohibiting the District Registrar from proceeding any further pursuant to the Show Cause Notice dated 20.01.2023, calling upon the petitioners to show cause why the documents vide Document Nos.2767/2014, 13378/2015, 2553/2016, 4428/2018 and 1648/2020 registered by the Sub-Registrar, Ponneri, should not be cancelled in exercise of power under Section 77-A of the Registration Act.

16.The prime contention of the petitioner is that Section 77-A of the Registration Act will have only a prospective effect, in view of the judgment

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in ***E.Geetha Helan Alexandria and others v. the Joint Sub Registrar No.II, Dindigul and others [W.P.(MD) No.6947 of 2019, dated 02.01.2023].***

[3]W.A.No.1130 of 2023 :

17.The appellant filed a writ petition in W.P.No.13099 of 2023 for issuance of a Writ of Prohibition prohibiting the District Registrar from initiating any proceedings pursuant to the Show Cause Notice dated 06.10.2022, calling upon the petitioner to appear before the District Registrar along with documents in response to the petition filed by the 3rd respondent for cancellation of a document registered as Document No.25 of 2010.

18.The contention of the appellant is that the document which was registered prior to introduction of Section 77-A of the Act cannot be a subject matter of the proceedings under Section 77-A. However, a learned Single Judge of this Court, without going into the issue whether Section 77-A is prospective or retrospective, dismissed the writ petition on the ground

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that the writ petition questioning the enquiry call cannot be entertained in a routine manner and it is open to the writ petitioner to raise his contentions before the District Registrar during enquiry. Challenging the said order of the learned Single Judge dismissing the writ petition in W.P.No.13099 of 2023, the present Writ Appeal in W.A.No.1130 of 2023 is filed.

[4]W.P.Nos.26952 of 2022, 19264 of 2023, 20907 of 2023, 2792 of 2023 :

19.These writ petitions are filed for issuance of a Writ of Declaration declaring Sections 77-A, 77-B and 22-B of the Registration Act, 1908, inserted by way of amendment vide Registration (Tamil Nadu Second Amendment) Act, 2021 (Act 41 of 2022), as null and void and unconstitutional. W.P.No.2792 of 2023 is filed with a prayer to declare the consequential show cause notice issued by the District Registrar calling upon the petitioner to show cause why the documents vide Document Nos.381/2013, 387/2013, 4641/2013 and 1339/2014 registered by the Sub-Registrar, Guduvanchery, should not be cancelled in exercise of power under Section 77-A of the Registration Act.

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20.In all the writ petitions challenging the constitutional validity, the following points have been raised:

i. The impugned amendment introducing Sections 22-B, 77-A and 77-B to the Registration Act are in violation of Articles 14, 19(1)(g), 21, 254 and 300-A of the Constitution of India.

ii. The impugned amendment, which is contrary to the provisions of the Registration Act without an assent of the President of India, is not valid.

iii. No procedure or guidelines have been laid down or prescribed to the District Registrar defining the powers and functions or the limitations. The question whether the transaction is fraudulent or a document is forged, requires a high standard or degree of proof and issue such as fraud and forgery cannot be left to be decided by the District Registrar who is not expected to have a judicially trained mind to consider and decide such issues which have serious repercussions affecting valuable rights of parties to documents. In the absence of any procedure or criteria or guidelines to decide such complex issues,

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often involving disputed questions of facts and law, Sections 77-A, 77-B and 22-B should be declared as unconstitutional.

iv. The legislation has not only given any administrative guidelines, but also failed to prescribe the period of limitation for initiating proceedings by any individual. By virtue of amendment, even documents which are registered 30 years or 50 years ago can be cancelled, without an adjudication of contentious legal and factual issues by a competent Court which is conferred with jurisdiction under Section 31 and Section 34 of Specific Relief Act.

v. Rights and title in respect of a property of an individual can be decided only by a competent Civil Court. In the absence of proper mechanism allowing judicial review, the District Registrar cannot be allowed to render final decisions invalidating transactions under Section 77-A due to total incompetence and lack of experience.

vi. In view of Sections 31 and 34 of Special Relief Act, 1963, which enables any aggrieved person to get relief before the Civil Court, the legislature cannot create a new mechanism under Registration Act enabling executive authorities to decide the issues which are required

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to be decided by Civil Court. Section 77-A of Registration Act is nothing but usurpation of power and functions of Civil Courts and Criminal Courts, which is against the fundamental principles of separation of power under our Constitution.

vii. The impugned amendment is repugnant to existing provisions under the Registration Act as well the provisions of Specific Relief Act particularly Section 31.

viii. The amendment is only intended to provide a speedy remedy by conferring enormous powers on the Registrar who is expected to decide upon his satisfaction without any guidelines, and therefore, the amendment is unreasonable and unconstitutional.

ix. Section 77-A without prescribing limitation is contrary to Section 31 of Specific Relief Act and Section 59 of the Limitation Act, 1963, which prescribe a period of 3 years for cancellation of any registered instrument.

x. The parent Act, namely Registration Act, does not specifically provide power for cancellation of registered instruments and it has been

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repeatedly held by this Court and the Hon'ble Supreme Court about the exclusion of such power under Registration Act which was consciously drafted to ensure such power not to be exercised by the Sub-Registrar/District Registrar. However, Sections 77-A and 77-B directly hit the existing provisions and the scheme of Registration Act. Hence, Section 77-A should be declared as unconstitutional, as being repugnant to provisions of the Registration Act and contrary to the scheme of Registration Act. Section 22-B is invalid and unconstitutional for the same grounds.

21.On behalf of the respondents in all the writ petitions challenging the constitutionality of Sections 77-A and 77-B and Section 22-B of the Registration Act, the gist of submissions in the counter affidavit are as follows:

i. The amendment was brought in to safeguard the innocent poor original owners and buyers from registration of documents by way of fraud, forgery and impersonation and to instil trust in registration of documents and to further safeguard the overall well-being of economy

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based on real estate sector.

ii. The impugned legislation is therefore keeping in mind the public interest and to benefit the community as a whole.

iii. In the absence of Section 77-A, the documents executed fraudulently will affect the innocent third party purchasers.

iv. Originally, Section 22-A was introduced in the year 1997 empowering the Registrar to cancel the registration of any Deed of Conveyance which is against the public policy. The amendment in 1997 was struck down by this Court by a judgment in the case of ***M.L.M.Mathews v. Inspector General of Registration*** reported in ***(2007) 3 CTC 243***, based on the judgment of the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nagata*** reported in ***(2005) 4 CTC 606 (SC).*** Subsequently, by Tamil Nadu Amendment Act, 2009, Section 22-A was inserted. This Court granted stay of operation of the said provision in the case of ***T.N.Durai and another Vs. State of Tamil Nadu and others [W.P.Nos.9030 to 9035 of 2009, dated 15.05.2009]***. In view of the stay granted, Section 22-A is not in force. Therefore, in view of the vacuum created by virtue of the interim order

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passed by this Court earlier, the Government thought fit to introduce Section 77-A.

v. The Government is competent to take a policy decision in order to protect the public.

vi. The Government has got a quid pro quo in view of the levy that is made and hence, the Government thought fit to introduce Section 77-A.

vii. The impugned provision only disqualifies fraudulent transactions and it does not shut down any of the mechanism that is available under the Transfer of Property Act or the Contract Act or the power and jurisdiction of Civil Court. The impugned legislation do not dilute the mechanism provided under the Civil Procedure Code, Specific Relief Act or Civil Rules of Practice by virtue of Section 77-A.

viii. The impugned amendment of Registration Act is remedial in nature to prevent mischief caused by forgery, fraud and impersonation, etc.

ix. The District Registrars have not been entrusted to decide the validity of the document but to verify whether the registration of the document is made in contravention of Section 22-A or Section 22-B of the Act.

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x. From the statistics from October, 2022 to June, 2023, huge number of petitions have been received under Section 77-A of the Act. Out of 19,698 petitions received, 989 cases are cases of fraud which are evident from the proceedings.

xi. Section 77-A is a self-contained code and it does not confer any excess power to the Registering Authority to adjudicate the issue of title in relation to immovable property.

xii. The Government has cautiously omitted to prescribe any time limit for the purpose of Section 77-A of the Act, since fraud vitiates every solemn transaction.

xiii. The District Registrars of Registration Department are exercising power under Section 68(2) of the Registration Act in respect of complaints against fraudulent registrations and the enquiry under Section 68(2) by the District Registrar is not a question before this Court in any case.

xiv. A Bench of Andhra Pradesh High Court, in the case of ***Yanala Malleswari v. Ananathalu Sayarmma***, observed that the Registering

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Authority should be given power to cancel the sale deed registered earlier if it is likely to cause prejudice to the original owners or the public at large. Since the Andhra Pradesh High Court has recognised the power of administrative authorities to recall or revoke their own order if such order was obtained by playing fraud, it cannot be said that the power of Registrar under the Registration Act is confined only to matters relating to registration, but not to deal with issues whether registration of document is by committing forgery or fraud.

22.Considering the pleadings in all the writ petitions and the points on which reference was made to this Bench, this Court has to consider the following points :

A) Whether Section 77-A and Section 77-B of the Registration Act are liable to be struck down as unconstitutional ? Since constitutional validity is challenged on different grounds, we consider the question of validity on the following heads:

[A1]Whether the State has legislative competence to introduce Section 77-A?

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[A2]Whether Section 77-A is repugnant to any Central Law and hence it is liable to be struck down and hit by Article 254 of Constitution?

[A3]Whether judicial power can be delegated to Executive Authorities?

[A4]Whether Section 77-A is liable to be struck down on the ground of excessive delegation with unfettered and uncanalised powers without any statutory guidelines or limitations?

[A5]Whether the power conferred under Section 77-A is liable to be struck down for being contrary to the fundamental principle that judicial power to decide complicated issues on facts and law resulting in serious legal implications affecting the rights of parties cannot be delegated to executive authorities?

[A6]Whether Section 77-A is against the scheme of

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Registration Act and beyond the object and purpose of Registration Act?

B) *Whether Sections 77-A and 77-B can be read down to save them from constitutional invalidity?*

C) *Whether Section 22-B is constitutionally valid?*

D) *Whether the amendment introducing Section 77-A is prospective or retrospective?*

E) *Whether the recitals in a document presented for registration, can be examined to determine that such document was fraudulently executed or registered?*

F) *Whether a document in which the recitals alone are questioned can be considered only as voidable which would normally necessitate the filing of the suit to set aside the particular document or whether even those documents can be cancelled by the Sub Registrar under Section 77A of the Registration Act;*

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G) Whether exercise of power under Section 77A must be restricted to registration of documents in contravention to Section 22-A or 22-B of Registration Act, 1908 alone?

23.Before we consider the constitutional validity of Section 77-A on the grounds raised, it is important, relevant and appropriate to analyse and keep in mind, the legislative history and object of Registration Act which has crossed 150 years.

Legislative History of Registration Act:-

24.After the introduction of Permanent Settlement Regulation in Bengal in 1793, Registration of document was introduced by Bengal Regulation XXXVI of 1973. Following the Permanent Settlement Regulation vide Regulation XXV of 1802, in Madras, conferring permanent grants in favour of zamindars and other land holders to create permanent proprietary right for the purpose of assessment and collection of land revenue, Land Registration Regulation, insisting registration of transfer of

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holdings in properties which are assessed to revenue, came. The Collectors of Districts were required to keep Public Registers as prescribed by the Board of Revenue for the purpose of registering the landed properties paying revenue to the British Government within the District. The Collectors were required to enter all transfers of land by any land holder to another and the Registers are open to public at all times. As per Regulation XXV of 1802 in Madras Presidency, transfer of land made by individual persons without being so registered in the Registers of the Collectors shall not be valid in any Court and such unregistered transfers shall not discharge the transferors from their liability to pay land revenue due to the Government for such lands. Law Commission of India in its Sixth Report refers to the Madras Regulation XVII of 1802 prescribing procedures for registration following Regulation XXXVI of 1793 in Bengal and Regulation IV of 1802 in Bombay.

25.The Registration Department of the Government was formed in the year 1864 under Act 26 of 1864. Thereafter, Indian Registration Act, 1864 was replaced by Indian Registration Act, 1866. System of registration is

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optional till 1866. Subsequently, Indian Registration Act, 1871 came and thereafter, Indian Registration Act, 1877, vide Act 3 of 1877 was enacted. Finally, Registration Act, 1908 came and it is now in force for a period of about 116 years.

26.Registration Act, 1908 was enacted consolidating all the enactments relating to the registration of documents, in 1908. The object and purpose of the Act is to provide a method of public registration of documents so as to give information to the people regarding legal rights and obligations arising or affecting a particular property and to perpetuate documents which may be of legal importance. In other words, the object of registration of documents is to give notice to the public at large that the document has been executed to prevent fraud and forgery and to secure a reliable and complete account of all the transactions affecting the title to the property.

27.Section 17 of the Registration Act enumerates a list of documents

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which are required to be absolutely registered and Section 18 of the Act speaks about the documents for which registration is optional. Sections 19 to 22 speaks about the language of instruments and how the document should be written and about the description of property or map or plan to be annexed to the document and description of land by reference to Government maps or surveys. The procedures regarding presentation, place of registration of various types of documents are given under Part IV and V of the Act.

28.Section 22-A was earlier introduced in the year 1997 under Tamil Nadu Act 48 of 1997 with effect from 28.08.1997. The said provision which was introduced in 1997 confers power to the Registering Officer to refuse to register certain documents which are against public policy. It is to be noted that the provisions of the present Section 22-A, though was different, Rules were introduced in the Act earlier to understand previous Section 22-A, identical with the present Section 22-A. Similar to Section 22-A introduced in 1997, a provision was introduced by the State of Rajasthan, but struck down by the Rajasthan High Court and the judgment of the Rajasthan High

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Court was upheld by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata*** reported in ***(2005) 4 CTC 606 (SC)***. This Court also, following the judgment of the Hon'ble Supreme Court, struck down Section 22-A which was inserted by Tamil Nadu Amendment Act 48 of 1997 in the case of ***M.L.M.Mathews v. Inspector General of Registration*** reported in ***(2007) 3 CTC 243***. Subsequently, by Tamil Nadu Amendment Act, 2009, Section 22-A was again introduced. It is now stated before this Court by the respondents in the counter affidavit that the said provision is not in force in view of the stay granted by this Court in ***T.N.Durai and another v. State of Tamil Nadu and others [W.P.Nos.9030 to 9035 of 2009, dated 15.05.2009].*** However, our Statute Book says that present Section 22-A was introduced in 2012. The discrepancy was not noticed when arguments were heard.

29.Part VI of the Act deals with persons who are competent to present document. Section 32A was introduced in State of Tamil Nadu to enable the Registration by online. Section 32A mandates affixture of photograph and fingerprints to the document. Section 34 contemplates an enquiry by

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registering officer before registration and the appearance of parties. The enquiry under Section 34 is primarily to verify due execution and identify the person admitting execution and his comptence to present the document. Part VII deals with procedure for enforcing the appearance of executants and witnesses. Part VIII and Part IX deal with presenting and depositing Will. Part X speaks about effects of registration and non registration. Duties and powers of Registering Officers and procedures are prescribed under Part XI. Part XII deals with procedure in case the Sub Registrar refuse to register the document on the ground of denial of execution or on other grounds and the remedy of appeal and suit. Part XIII deals with the fees for registration, searches and copies. It is pertinent to mention that Section 81-A is introduced by way of amendment along with Section 77-A and it speaks about punishment to Registering Officer for registering documents in contravention of Section 22-A and Section 22-B. Section 82 contemplates penalty for making false statements, delivering false copies of translations or for false personation and for abetment. Section 68 empowers the Registrars to superintend and control Sub Registrars. Section 69 gives the power to Inspector General of Registration to superintend Registering

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Officers and makes Rules for the purpose of the Act.

30.The Registration Department acts as a custodian of the records relating to all the transactions in respect of immovable properties, Marriage Registrations and Registration of Births and Deaths. The certified copies of the documents from the Registration Department are admissible in evidence. The registration of a document is a notice to the public and the records maintained by the Registration Department are public records. Since registration being compulsory for all documents of conveyance to be used as evidence for creating right in immovable property, registration is inevitable as regards immovable property. In the State, there are 583 Sub-Registrar Offices functioning. It is stated in the counter affidavit of the respondents that, for the period from 01.04.2022 to 31.03.2023, total number of documents registered all over Tamil Nadu was 34,41,248. Registration Act only enables a person to get a document registered under the Act subject to fulfilling certain conditions and formalities to be observed. The Registers to be maintained by the Registering Officers are enumerated in Section 51 as Books No.1 to 5. Indexes to Books 1 to 4 have to be maintained by the

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Registering Authorities. The contents of Indexes are specified in Section 55. The object of these Books is not only to preserve an authenticated record of the copies of the documents registered but also to afford and facilitate persons interested in making a search in respect of title to immovable properties. This Court is not inclined to elaborate every part of Registration Act and it is suffice to record that Registration Act from the inception was never interpreted as a substantive law beyond prescribing procedure for registration of all categories of documents.

31.For the purpose of considering the arguments advanced by the learned counsels on both sides in this batch of cases, and to appreciate some of the principles, it is relevant to extract the following provisions of the Registration Act and Specific Relief Act:-

> ***"22-A. Refusal to register certain documents***— *Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:—*
>
> *(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,*

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—

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995,

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

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Provided *that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.*

Explanation I.*—For the purpose of this section 'local authority' means,—*

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii)a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or

(iii)a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or

(iv)any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.*—For the purpose of this section 'planning authority' means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;*

1. *instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.***"**

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22-B. Refusal to register forged documents and other documents prohibited by law.— *Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:—*

(1) forged document;

(2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;

(3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal;

(4) *any other document as the State Government may, by notification, specify.*"

...

34. Enquiry before registration by registering officer.-

(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

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Provided *that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.*

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

*(5) Nothing in this section applies to copies of decrees or orders.***"**

34-A. Person claiming under document for sale of property also to sign document - *Subject to the provisions of this Act, no document for sale of property shall be registered*

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under this Act, unless the person claiming under the document has also signed such document.

34-B. Procedure for Registration of document of Power of Attorney relating to immovable property - *Subject to the provisions of the Act, no document of Power of Attorney relating to immovable property shall be registered, unless passport size photographs and finger prints of the principal, the agent and of the identifying witnesses are affixed to the document and the agent has also signed such document.*

35.Procedure on admission and denial of execution respectively.—*(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document, or*

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61 inclusive.

(2) The registering officer may, in order to satisfy

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himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

***Provided** that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:*

***Provided** further that the State Government may, by notification in the Official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.*

...

***49.<u>Effect of non-registration of documents required to be registered</u>.**—No document required by section 17 or by any provision of the Transfer of Property Act, 1882 (4 of 1882), to be registered shall—*

(a) affect any immovable property comprised therein, or

(b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been

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registered:

Provided *that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877) or as evidence of any collateral transaction not required to be effected by registered instrument.***"**

...

68.Power of Registrar to superintend and control Sub-Registrars.—*(1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.*

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any SubRegistrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

...

69.Power of Inspector-General to superintend registration offices and make rules.—*(1) The Inspector-General shall exercise a general superintendence over all the registration offices in the territories under the State Government, and shall have power from time to time to make rules consistent with this Act—*

(a) providing for the safe custody of books, papers and documents;

(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies

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or diskettes or in any other electronic form under sub-section (1) of section 16A;

(b) declaring what language shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognized under section 21;

(d) regulating the amount of fines imposed under sections 25 and 34, respectively;

(e) regulating the exercise of the discretion reposed in the registering officer by section 63;

(f) regulating the form in which registering officers are to make memoranda of documents;

(g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;

(gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;

(h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

(i) declaring the holidays that shall be observed in the registration offices; and

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved, they shall be published in the Official Gazette, and on publication shall have effect as if enacted in this Act.

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71.Reasons for refusal to register to be recorded.—

(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72.Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.—*(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.*

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take

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effect as if the document had been registered when it was first duly presented for registration.

73.Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.—*(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.*

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74.Procedure of Registrar on such application.—*In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire.—*

(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75.Order by Registrar to register and procedure

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thereon.—*(1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.*

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witness, and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

76.Order of refusal by Registrar.—*(1) Every Registrar refusing—*

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75, shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under

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this section or section 72.

***77.Suit in case of order of refusal by Registrar.**—(1) Where the Registrar refuses to order the document to be registered, under section 72 or a decree section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.*

1. *The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.*
2.

***77-A.Cancellation of registered documents in certain cases.**— (1) The Registrar, either suo moto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executant and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes.*

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(2) The power under sub-section (1) may also be exercised by the Inspector General of Registration.

77-B.Appeal.- *(1) Any person aggrieved by an order of the Registrar under sub-section (1) of section 77-A may prefer an appeal to the Inspector General of Registration within thirty days from the date of cancellation of the document and the Inspector General of Registration shall pass an order confirming, modifying or cancelling the order of the Registrar.*

(2) In the case of an order passed by the Inspector General of Registration under sub-section (2) of section 77-A, an appeal shall lie to the State Government within thirty days from the date of the order.

Section 81 A-Penalty for registering documents in contravention of Sections 22-A and 22-B:-

[1]Every Registering Officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with registering the documents presented for registration under this Act, registers documents in contravention of Section 22-A or section 22-B, shall be punishable with imprisonment for a term which may be extended to three years, or with fine, or both.

[2]Nothing contained in this Section shall apply in the case of registration of a document made in good faith."

32.Sections 31 and 34 of the Specific Relief Act are also relevant in this context and therefore, they are extracted below:-

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*"**31.When cancellation may be ordered :** (1) Any person against whom a written instrument is void or voidable, and who has reasonable apprehension that such instrument, if left outstanding may cause him serious injury, may sue to have it adjudged void or voidable; and the court may, in its discretion, so adjudge it and order it to be delivered up and cancelled.*

(2) If the instrument has been registered under the Indian Registration Act, 1908 (16 of 1908), the court shall also send a copy of its decree to the officer in whose office the instrument has been so registered; and such officer shall note on the copy of the instrument contained in his books the fact of its cancellation.

***34.Discretion of court as to declaration of status or right -** Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief."*

A[1]:- Whether the State has legislative competence to introduce

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Section 77-A?

32.It is not in dispute that the subject dealing with cancellation of a registration of document falls within the purview of Entry 6 of List III, namely, Registration of Deeds and Documents. The amendment was brought about by Act 41 of 2022 after receiving assent of the President of India on 6th August, 2022. The amendment came into force on 16.08.2022. We have already discussed the object and purpose of Registration Act as seen and understood in various judicial pronouncements. The intention and object of the Government in introducing the amendment is to curtail fraudulent registration of documents, forged sale deeds etc. No one in this batch challenged the legislative competence. Since the objectives stated for introducing the amendment is in tune with the objects of the Registration Act, 1908, and the subject falls in the Concurrent List, we hold that the State has legislative competence to introduce Section 22-A, 22-B, 77-A and 77-B of Registration Act.

A[2]:-Whether Section 77-A is repugnant to any Central Law and hence,

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hit by Article 254 of Constitution?

33.When a State law relating to a subject in the Concurrent List is contrary to the law enacted by Parliament having legislative competence, the law of Parliament, whether it is passed before or after the law made by the State, the existing law made by Parliament shall prevail and the State Law, to the extent of repugnancy is void. Article 254(1) gives supremacy to the law made by Parliament, when Parliament is competent to enact. For application of Article 254, there must be repugnancy between the State law and the law made by Parliament. If there is no repugnancy between the two laws, there is no question of application of Article 254(1). There must be a clear and direct inconsistency between the Central law and the State law and such inconsistency should not be reconcilable to invalidate the statutory provisions of a State enactment. It is worthwhile to refer to the judgment of the Hon'ble Supreme Court in *Innoventive Industries Limited v. ICICI Bank, (2018) 1 SCC 407.* Some of the principles summarized in the said judgment are as follows:-

(a) Repugnancy must exist in fact and not depend upon a mere possibility.

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(b) The inconsistency must be clear and direct and viewed of such nature as to bring the true acts or parts thereof into direct collision with each other, reaching a situation where it is impossible to obey the one without disobeying the other.

(c) Where Parliamentary legislation does not purport to be exhaustive or unqualified, but itself permits or recognizes other laws restricting or qualifying the general provisions made in it, there is no repugnancy.

(d) Only when the subject matter of the State legislation or part thereof is identifiable with that of the Parliamentary legislation, so that they cannot both stand together, then the State legislation would be said to be repugnant to the Parliamentary legislation.

34.The Hon'ble Supreme Court in ***Yogendra Kumar Jaiswal and Others Vs. State of Bihar, (2016) 3 SCC 183,*** considered the scope of Article 254 of Constitution. One of the arguments before the Hon'ble Supreme Court was that the State law is repugnant to Schedules to Prevention of Money Laundering Act. On the question of repugnancy, the Hon'ble Supreme Court, after referring to a plethora of judgments, has held as follows:-

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*"**58.** Thus viewed, repugnancy arises when there is a clear and direct inconsistency between the Central law and the State law and such inconsistency is irreconcilable. It is because in such a situation there is a direct collision with the Central Act or brings about a situation where obeying one would lead to disobeying the other. In Dharappa v. Bijapur Coop. Milk Producers Societies Union Ltd. [Dharappa v. Bijapur Coop. Milk Producers Societies Union Ltd., (2007) 9 SCC 109 : (2007) 2 SCC (L&S) 703] it has been spelt out that clause (2) of Article 254, however, provides that where a law made by the legislature of a State with respect to one of the matters enumerated in the Concurrent List, contains any provision repugnant to an existing law with respect to that matter, then, the law so made by the legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State. The question of repugnancy can arise only with reference to a legislation made by Parliament falling under the Concurrent List or an existing law with reference to one of the matters enumerated in the Concurrent List. If a law made by the State Legislature covered by an entry in the State List incidentally touches any of the entries in the Concurrent List, Article 254 is not attracted. But where a law covered by an entry in the State List (or an amendment to a law covered by an entry in the State List) made by the State Legislature contains a provision, which directly and substantially relates to a matter enumerated in the Concurrent List and is repugnant to any provision of an existing law with respect to that matter in the Concurrent List then such repugnant provision of the State law will be void.*

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Such a provision of law made by the State Legislature touching upon a matter covered by the Concurrent List, will not be void if it can coexist and operate without repugnancy with the provisions of the existing law.

59. *It needs no special emphasis to state that the issue of repugnancy would also arise where the law made by Parliament and the law made by the State Legislature occupy the same field. It has been so held in Sitaram and Bros. v. State of Rajasthan [Sitaram and Bros. v. State of Rajasthan, (1995) 1 SCC 257].*

60. *In this context, reference to M.P. Shikshak Congress [M.P. Shikshak Congress v. R.P.F. Commr., (1999) 1 SCC 396] would be fruitful. While repelling the plea of repugnancy, it has been held that under Article 254(1) of the Constitution, if any provision of a law made by the legislature of a State is repugnant to any provision of a law made by Parliament, which Parliament is competent to enact, then subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the legislature of such State shall prevail and the law made by the legislature of the State shall, to the extent of the repugnancy, be void. The ordinary rule, therefore, is that when both the State Legislature as well as Parliament are competent to enact a law on a given subject, it is the law made by Parliament which will prevail. The exception which is carved out is under clause (2) of Article 254. Under this clause (2), where a law made by the legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to*

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the provisions of an earlier law made by Parliament, then the law so made by the legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in the State.

***61.** Another aspect with regard to repugnancy and the validity of the State legislation may be stated. If there is a parliamentary legislation and the law enacted by the State legislation can coexist and operate where one Act or the other is not available, then there is no difficulty in making the State law on the fact situation available. It has been so held in EID Parry (I) Ltd. v. G. Omkar Murthy [EID Parry (I) Ltd. v. G. Omkar Murthy, (2001) 4 SCC 68 : 2001 SCC (L&S) 646] and Saurashtra Oil Mills Assn. v. State of Gujarat [Saurashtra Oil Mills Assn. v. State of Gujarat, (2002) 3 SCC 202] . When a situation crops up before the court pertaining to applicability of a parliamentary legislation and any enactment or law enacted by the State Legislature for consideration, the effort of the court should be to see that the provisions of both the Acts are made applicable, as has been ruled in Imagic Creative (P) Ltd. v. CCT [Imagic Creative (P) Ltd. v. CCT, (2008) 2 SCC 614] ."*

35.In ***M.Karunanidhi Vs. Union of India and another,*** **(*1979) 3 SCC 431,*** the Constitution Bench of Hon'ble Supreme Court considered the question whether repugnancy exist between the State and Central Acts. The Hon'ble Supreme Court has held as follows:-

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35. *On a careful consideration, therefore, of the authorities referred to above, the following propositions emerge:*

1.That in order to decide the question of repugnancy it must be shown that the two enactments contain inconsistent and irreconcilable provisions, so that they cannot stand together or operate in the same field.

2.That there can be no repeal by implication unless the inconsistency appears on the face of the two statutes.

3.That where the two statutes occupy a particular field, but there is room or possibility of both the statutes operating in the same field without coming into collision with each other, no repugnancy results.

4.That where there is no inconsistency but a statute occupying the same field seeks to create distinct and separate offences, no question of repugnancy arises and both the statutes continue to operate in the same field."

36.Mr.Sakthivel, learned counsel appearing for one of the petitioners submitted that Section 77-A is in conflict and inconsistent with Sections 31 & 34 of the Specific Relief Act, 1963. The Specific Relief Act, 1963 was enacted to deal with specific reliefs. It contains provisions dealing with

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enforcement of contracts, contracts not specifically enforceable , parties against whom specific performance can be obtained etc. The Act contemplates grant of specific reliefs like specific performance, rectification of instruments, recession of contracts, cancellation of instruments, declaration, injunction, etc. Section 31 of the Specific Relief Act enables a person to sue for cancellation of any instrument which is void or voidable. If a decree is granted for cancellation of an instrument, the Court shall send a copy of the decree to the registering officer, who shall endorse on the copy of instrument contained in his books the fact of its cancellation. Section 34 also deals with the right of an individual to get a declaration from the civil Court regarding his title or right. The two statutory provisions are often invoked for different purposes.

37.Section 77-A, on the other hand, provides for cancellation of registration of the document by the Registrar on the ground that registration is made in contravention of Section 22-A or Section 22-B of the Registration Act. These provisions under Registration Act operate in different fields and

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there is no conflict between the two. Applying the tests prescribed by Hon'ble Supreme Court, as indicated above, there is no repugnancy. The provisions under Section 77-A do not in any way affect any individual from seeking relief under Section 31 or Section 34 of the Specific Relief Act. Therefore, this Court is unable to accept the argument that the impugned legislation is repugnant to Specific Relief Act. An argument was advanced that the Principal Act and the Amendment Act contain inconsistent and irreconcilable provisions and hence, cannot stand together. Since Registration Act No.41 of 2022, which brought the amendment to the statute, has received the assent of President on 06.08.2022, learned Advocate General submitted that arguments of the counsels for petitioners on the question of repugnancy has no substance. Mr.Sakthivel, learned counsel submitted that though assent has been obtained, it is not specific by referring to the provisions of Registration Act and hence, repugnancy is not cured. However, the learned counsel is unable to point out any direct conflict between the impugned provisions and other provisions in the Principal Act. Unless it is shown that the impugned provisions cannot coexist because of any other provisions in the Principal Act, this argument

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cannot be sustained. Hence, we hold that Section 77-A is not repugnant to any other law or any other provisions of Registration Act to attract Article 254 of Constitution. However, while answering this issue, we record and reserve that we will still examine whether the impugned legislative provisions are within the framework or scheme of Registration Act in the later part of this judgment.

A[3]:-Whether judicial power can be delegated to Executive Authorities:-

38.Learned Advocate General also relied upon a judgment of the Constitution Bench of the Hon'ble Supreme Court in *Jayanthilal Amratlal Shodhan v. F.N.Rana, Commissioner, Baroda Division, Baroda and others* reported in *AIR 1964 SC 648,* wherein, the Hon'ble Supreme Court has observed that the Constitution has not made absolute or specific division of functions between three agencies of the State and recognised the entrustment

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of legislative and judicial functions to the Executive. In Para No.11, the Hon'ble Supreme Court has considered the issue and hence, it is extracted below :

> ***"11.****In Halsbury's Laws of England, 3rd Edn. Vol. 7, Article 409 p. 192 it is observed*
>
> > *"Executive functions are incapable of comprehensive definition, for they are merely the residue of the functions of government after legislative and judicial functions have been taken away. They include, in addition to the execution of the laws, the maintenance of public order, the management of Crown property and nationalised industries and services, the direction of foreign policy, the conduct of military operations, and the provision or supervision of such services as education, public health, transport, and state assistance and insurance."*
>
> *Similarly in Wade and Phillips' Constitutional Law, 6th Edn. at p. 16 it is observed:*
>
> > *"It is customary to divide functions of government into three classes, legislative, executive (or administrative) and judicial."*
>
> *In Rai Sahib Ram Jawaya Kapur v. State of Punjab [(1955) 2 SCR 225] in dealing with the question whether publishing, printing and selling of text books for the use of students may be regarded as an executive function of the*

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State Government, Mukherjea, C.J., speaking for the Court observed:

> *"It may not be possible to frame an exhaustive definition of what executive function means and implies. Ordinarily the executive power connotes the residue of governmental functions that remain after legislative and judicial functions are taken away."*
>
> *It cannot however be assumed that the legislative functions are exclusively performed by the Legislature, executive functions by the executive and judicial functions by the judiciary alone. The Constitution has not made an absolute or rigid division of functions between the three agencies of the State. To the executive, exercise of functions legislative or judicial are often entrusted. For instance power to frame rules, regulations and notifications which are essentially legislative in character is frequently entrusted to the executive. Similarly judicial authority is also entrusted by legislation to the executive authority : Harinagar Sugar Mills Ltd. v. Shayamsunder [(1962) 2 SCR 339] . In the performance of the executive functions, public authorities issue orders which are not far removed from legislation and make decisions affecting the personal and proprietary rights of individuals which are quasi-judicial in character. In addition to these quasi-judicial, and quasi-legislative functions, the executive has also been empowered by statute to exercise functions which are legislative and judicial in character, and in certain instances, powers are exercised which appear to partake at the same moment of legislative, executive and judicial*

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characteristics. In the complexity of problems which modern government have to face and the plethora of parliamentary business to which it inevitably leads, it becomes necessary that the executive should often exercise powers of subordinate legislation : Halsbury's Laws of England, Vol. 7, Article 409. It is indeed possible to characterise with precision that an agency of the State is executive, legislative or judicial, but it cannot be predicated that a particular function exercised by any individual agency is necessarily of the character which the agency bears."

39.This Court has seen that the judgment of Constitution Bench of Hon'ble Supreme Court in ***Jayantilal Amratlal Shodan's case [cited supra],*** is appropriate in the present context and hence, binding on us. The Constitution has not made a perfect division of functions between the three Agencies of the State and hence, a quasi judicial power or function can be entrusted by the Legislation to the Executive. As pointed out by the learned Advocate General, we have several legislations where quasi judicial functions have been entrusted to the Executive Authority.

40.Under the Registration Act, 1908, the Registrar enjoins quasi judicial functions even before the amendment introducing Section 77-A. The power to refuse to register a document is given to the Sub Registrar under

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Section 71. When the Sub Registrar refuses to register a document on the ground of denial of execution, an appeal is provided under Section 73 to the Registrar. As against the order of Registrar under Section 72 and Section 76 confirming the order refusing to register, the aggrieved can institute a suit in the Civil Court. The power conferred under the statute to the Sub Registrar and Registrar is quasi judicial. Similarly, Section 34 and Section 35 of the Registration Act contemplates an enquiry after the presentation of the document for registration and before registration. An enquiry under Section 34(3) involves the examination by the registering officer regarding the identity of the persons appeared before him. The Hon'ble Supreme Court in *Veena Singh v. District Registrar, (2022) 7 SCC 1*, has recognized the quasi judicial power of the Registrar for the purpose of conducting enquiry under Section 74 of the Act. Therefore, the amendment cannot be challenged merely on the ground that Section 77-A enables the authorities under the Act to exercise quasi judicial functions.

41.The Registering Officer is required to register every document on being satisfied that the persons executing the document appearing before him are persons who represent themselves to be the executants and admit

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the execution of the document. At that stage, the Registering Officer, in order to satisfy himself the identity of the person before him, who admits execution, holds an enquiry. During enquiry, if any person by whom the document purports to be executed, denies its execution or the executant is a minor or dead, the Registering Officer shall refuse to register the document after following the procedure prescribed in Part XII. Section 71 mandates the Sub Registrar who refuses to register the document except on the ground that the property to which it relates, is not situated within his District, must pass an order of refusal recording his reasons and furnish a copy of the reasons recorded to any person executing or claiming under the document. Section 72 provides for an appeal to the Registrar from an order of the Sub Registrar refusing registration on the ground other than denial of execution. When the Sub Registrar refuses to register a document on the ground of denial of execution, Section 73 of the Act provides for an application to the Registrar to establish one's right to have the document registered. The Registrar will then conduct an enquiry under Section 74 as to [a] whether the document has been duly executed and [b]whether the requirements of law for the time being in force have been complied with to register the

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document. In case the Registrar finds that the document has been executed complying with the requirements of law, the Registrar shall order that the document be registered. Where the Registrar refuses to order the document to be registered under Section 72 or under Section 76, any person claiming under such document, may, within thirty days after making of the order of refusal, institute a suit for a decree directing the document to be registered in the office if it be duly presented for registration within thirty days after the passing of such decree. Therefore, the power of Sub Registrar to hold an enquiry and pass an order as a quasi judicial authority is very well recognized under the Registration Act. However, in the wake of nature of orders passed by the Sub Registrar and the Registrar in exercise of their functions which are also impugned in the writ petitions, this Court will independently consider whether there is excessive delegation and whether such extraordinary power to cancel the registration, thereby invalidating solemn transactions without guidelines can be permitted or not.

42.There are several other precedents holding that legislature has always the power to delegate the quasi-legislative and quasi-judicial functions, some time affecting the rights of individuals. There are several

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Central and State laws conferring the power on the executive to perform quasi-judicial functions.

43.To a limited extent, the power can always be entrusted with the executive authority to perform quasi-judicial functions even though a decision by such authority is likely to affect the civil rights of party to the document. Therefore, with a caution that subject to the limitations prescribed under any statute and precedents, it is always open to the legislature to confer on the executive, a quasi-judicial function that is required to administer the particular statute. As observed by Hon'ble Supreme Court, judicial power can be entrusted by legislation to the executive authority. But there are limitations.

A[4]:- Whether Section 77-A is liable to be struck down on the ground of excessive delegation with unfettered and uncanalised powers without any statutory guidelines or limitations:-

44.From the reading of Section 77-A, it is seen that the Registrar can

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issue a notice to the parties to the document and parties to the subsequent document if he is of the opinion that registration of a document is made in contravention of Section 22-A or Section 22-B. Except a show cause notice to the parties, it appears that the satisfaction of the Registrar is sufficient to pass an order. It is to be noted that Section 22-A and Section 22-B refers to the duty of Registering Officer to refuse registration of certain documents enumerated under Sections 22-A and 22-B.

45.Under Section 77-A of the Act, the District Registrar has been conferred with the power to cancel registration of a document which is made in contravention with Section 22-A or Section 22-B. Though Section 77-A contemplates issuance of a notice to the executant and all the parties to the document and parties to subsequent documents, to show cause as to why registration of the document shall not be cancelled, the Registrar may cancel the registration of the document without even assigning any reason and to enter the cancellation of the document in the relevant Books and Indexes. The Registrar is expected to consider whether in his opinion, the document is registered in contravention of Section 22-A and Section 22-B. This power

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is without a restriction or guideline. Conferring such power without statutory guidelines, will lead to corruption or blackmailing by land grabbers resulting in serious injury to *bona fide* purchasers who are likely to be deprived of their right without a remedy under the statute. Even those innocent people who are *bona fide* purchasers of immovable property or victims of fraud, can be deprived of their legitimate valuable right by the District Registrar. No remedy is provided under the Act to the innocent purchasers or victims of fraud or forgery.

46. While deciding a petition filed under Section 77-A, the District Registrar is required to decide the following issues:-

(a) Whether the property which is the subject matter of the instrument belongs to State or the Local Authority or CMDA;

(b) Whether the property which is the subject matter of the instrument is given or endowed for the purpose of religious institution, comes under the purview of the Tamil Nadu HR&CE Act, 1959 ;

(c) Whether the property which is the subject matter of the

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document is donated for Bhoodan Yagna and vested in the State Bhoodan Yagna Board ;

(d) Whether the property which is the subject matter of the instrument, a property of Wakf which is under the superintendence of Tamil Nadu Wakf Board ;

(e) Whether the document is relating to the transfer of ownership of lands converted as house site without the permission for development of such land from Planning Authority ;

(f) Whether the document which is sought to be registered is a forged document ;the document is relating to a transaction which is prohibited by any Central or State law for the time being in force ; the document relating to transfer of property in respect of which there is an order of attachment by competent authority under any State or Central Act and whether the document is one in respect of which registration can be refused as the State Government may notify.

47.Going by the plain language of Section 77-A, it confers a wide power to the Registering Officer to decide the title of property or the nature of transaction whether it is hit by any provision of law. Despite Section 22-A being struck down earlier by this Court following the judgment of Hon'ble

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Supreme Court in ***State of Rajasthan Vs. Basant Nahata*** reported in ***2005 [12] SCC 77*** on the ground that what is public policy is not defined under the Act and such excessive delegation of power which is wide, uncanalized and unguided is unconstitutional, the State Government has not even framed specific guidelines or Regulations to clarify the circumstances under which the Registrar can deal with issues when objection is raised at the time of registration of document. In the absence of such guidelines, this Court is clueless as to how the Registrar will now hold that the registration is in contravention of Section 22-A or Section 22-B without deciding the jurisdictional issues contemplated under Sections 22-A and 22-B of the Act which are normally decided by Civil Court.

48.Since Section 77-A confers the District Registrar a wide power, the question is whether such power is uncanalised, unguided, unfettered and hence, arbitrary and liable to be struck down. A statute may be declared as unconstitutional when it confers upon the executive authority unguided, unfettered and arbitrary powers. However, it dependes upon the object, purpose and other factors. The Hon'ble Supreme Court in *S.G.Jaisinghani*

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v. Union of India, AIR 1967 SC 1427 has held that the absence of arbitrary power is the first essential of the rule of law upon which each Court's constitutional system is based. To understand the basic requirements to give statutory guidelines to save the statute from the vices of excessive delegation, it is worthwhile to refer to some more judgments on this point, as referred to here under:-

49.A Three Member Bench of Hon'ble Supreme Court in ***AIR India Vs. Nergesh Meerza and Others*** reported in ***AIR 1981 SC 1829*** , had occasion to consider the validity of Regulations 46 and 47 of AIR India Employees' Service Regulations. Regulation 46 prescribe the retirement age of Air Hostess on attaining the age of 30 years or on marriage, whichever occurs earlier. Regulation 47 provides for a further extension of the employee beyond the age of retirement for an aggregate period not exceeding two years except in the case of air hostess where the services can be extended upto a period of five years. The extension is granted on the employee being found medically fit. On further analysis, the Hon'ble Supreme Court found that the Managing Directors have been given an

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uncontrolled, unguided and absolute discretion to extend or not to extend the period of retirement in the case of air hostesses after 35 years. Stating that Regulation 47 gives an option to the Managing Director to extend the service of any of air hostess without giving reasons for refusing to extend the period of retirement of other air hostesses, held that the conferment of such a wide and uncontrolled power on the Managing Director is clearly violative of Article 14 as the provisions suffers from excessive delegation of powers.

50.In ***Dwarka Prasad Lakshmi Narain Vs. State of UP and Others*** reported in ***1954 [1] SCC 1,*** the Hon'ble Supreme Court held that a legislation which arbitrarily or excessively invades the right, cannot be said to contain the quality of reasonableness and unless it strikes a proper balance between the freedom guaranteed under Article 19[1][a] and the social control permitted by Clause [6] of Article 19, must be held to be wanting in reasonableness.

51.In ***State of West Bengal Vs. Anwar Ali Sarkar,*** reported in ***AIR 1952 SC 75,*** the Hon'ble Supreme Court observed that a statutory provision

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that vests an unrestricted discretion in the State Government to direct any cases or classes of cases to be tried by the Special Court in accordance with the procedure laid down in the Act makes the provision unconstitutional for being violative of Article 14.

52.In ***Hamdard Dawakana [Wakf] Lal Kuan, Delhi and Another vs. Union of India and Others*** reported in ***AIR 1960 SC 554,*** the Hon'ble Supreme Court held that vague or uncanalized or unguided power would render the delegation bad in law.

53.In ***Subramanian Swamy Vs. Director, CBI and another,*** (***2014) 8 SCC 682,*** the Hon'ble Supreme Court reiterated the principles regarding the Court's approach when a constitutional validity of law is challenged under Article 14 of the Constitution in the following lines:-

> ***"49.*** *Where there is challenge to the constitutional validity of a law enacted by the legislature, the Court must keep in view that there is always a presumption of constitutionality of an enactment, and a clear transgression of constitutional principles must be shown. The fundamental nature and importance of the legislative process needs to be*

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recognised by the Court and due regard and deference must be accorded to the legislative process. Where the legislation is sought to be challenged as being unconstitutional and violative of Article 14 of the Constitution, the Court must remind itself to the principles relating to the applicability of Article 14 in relation to invalidation of legislation. The two dimensions of Article 14 in its application to legislation and rendering legislation invalid are now well recognised and these are: (i) discrimination, based on an impermissible or invalid classification, and (ii) excessive delegation of powers; conferment of uncanalised and unguided powers on the executive, whether in the form of delegated legislation or by way of conferment of authority to pass administrative orders —if such conferment is without any guidance, control or checks, it is violative of Article 14 of the Constitution. The Court also needs to be mindful that a legislation does not become unconstitutional merely because there is another view or because another method may be considered to be as good or even more effective, like any issue of social, or even economic policy. It is well settled that the courts do not substitute their views on what the policy is."

54.Few counsels appearing for the petitioners relied upon the judgment of the Hon'ble Supreme Court in *Delhi Transport Corporation v. D.T.C.Mazdoor Congress and others, AIR 1991 SC 101*, wherein the view of majority of the Constitution Bench of Hon'ble Supreme Court is

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expressed in paragraphs 329 to 332 which read as follows:-

> *"**329.** I am, therefore, inclined to hold that the courts though, have no power to amend the law by process of interpretation, but do have power to mend it so as to be in conformity with the intendment of the legislature. Doctrine of reading down is one of the principles of interpretation of statute in that process. But when the offending language used by the legislature is clear, precise and unambiguous, violating the relevant provisions in the Constitution, resort cannot be had to the doctrine of reading down to blow life into the void law to save it from unconstitutionality or to confer jurisdiction on the legislature. Similarly it cannot be taken aid of to emasculate the precise, explicit, clear and unambiguous language to confer arbitrary, unbridled and uncanalised power on an employer which is a negation to just, fair and reasonable procedure envisaged under Articles 14 and 21 of the Constitution and to direct the authorities to record reasons, (sic) unknown or unintended procedure, in the manner argued by the learned counsel for the appellants.*
>
> ***330.** At the cost of repetition it is to reiterate that when the authority intends to take disciplinary action for imposing penalty of dismissal, removal or reduction in rank of an employee, an elaborate procedure has been provided in Regulation 15 to conduct an enquiry into misconduct after giving reasonable opportunity. Residuary power has been avowedly conferred in Regulation 9(b) with wide discretion on the appropriate authority to take actions on similar set of facts but without any guidelines or*

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procedure at the absolute discretion of the same authority. The language of Regulation 9(b) is not capable of two interpretations. This power appears to be in addition to the normal power in Regulation 15. Thereby the legislative intention is manifest that it intended to confer such draconian power couched in language of width which hangs like Damocles sword on the neck of the employee, keeping every employee on tenterhook under constant pressure of uncertainty, precarious tenure at all times right from the date of appointment till date of superannuation. It equally enables the employer to pick and choose an employee at whim or vagary to terminate the service arbitrarily and capriciously.

331. *Regulation 9(b), thereby deliberately conferred wide power of termination of services of the employee without following the principle of audi alteram partem or even modicum of procedure of representation before terminating the services of permanent employee. It is well settled rule of statutory construction that when two interpretations are possible one which would preserve and save constitutionality of a particular statute, would be preferred to the other that would render it unconstitutional and void. When the language is clear, unambiguous and specific and it does not lead to two constructions, it is not permissible to read into those provisions something which is not intended. It is undoubtedly true, as rightly contended by Mr Ashok Desai, the learned Solicitor General, that the power to take appropriate and expeditious action to meet the exigencies of weeding out inefficient, corrupt, indolent officers or employees from service should be provided*

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and preserved to the competent authority. Any action taken without any modicum of reasonable procedure and prior opportunity always generates an unquenchable feeling that unfair treatment was meted out to the aggrieved employee. To prevent miscarriage of justice or to arrest a nursing grievance that arbitrary, whimsical or capricious action was taken behind the back of an employee without opportunity, the law must provide a fair, just and reasonable procedure as is exigible in a given circumstances as adumbrated in proviso to Article 311(2) of the Constitution. If an individual action is taken as per the procedure on its own facts its legality may be tested. But it would be no justification to confer power with wide discretion on any authority without any procedure which would not meet the test of justness, fairness and reasonableness envisaged under Articles 14 and 21 of the Constitution. Said this Court in S.G. Jaisinghani v. Union of India [(1967) 2 SCR 703, 718-19 : AIR 1967 SC 1427] : (SCR p. 718)

> *"In this context it is important to emphasise that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should known where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is*

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the antithesis of a decision taken in accordance with the rule of law. (See Dicey: Law of the Constitution, 10th edn., Introduction cx.) 'Law has reached its finest moments', stated Douglas, J. in United States v. Wunderlich [342 US 98 : 96 L Ed 113 (1951)] 'when it has freed man from the unlimited discretion of some ruler .... Where discretion is absolute, man has always suffered.' It is in this sense that the rule of law may be said to be the sworn enemy of caprice. Discretion, as Lord Mansfield stated it in classic terms in the case of John Wilkes [1941 FCR 12 : AIR 1941 FC 72] 'means sound discretion guided by law. It must be governed by rule, not by humour: it must not be arbitrary, vague and fanciful'".

332. *In an appropriate case where there is no sufficient evidence available to inflict by way of disciplinary measure, penalty of dismissal or removal from service and to meet such a situation, it is not as if that the authority is lacking any power to make rules or regulations to give a notice of opportunity with the grounds or the material on records on which it proposed to take action, consider the objections and record reasons on the basis of which it had taken action and communicate the same. However scanty the material may be, it must form foundation. This minimal procedure should be made part of the procedure lest the exercise of the power is capable of abuse for good as well as for whimsical or capricious purposes for reasons best known to the authority and not germane for the purpose for which the power was*

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conferred. The action based on recording reasoning without communication would always be viewed with suspicion. Therefore, I hold that conferment of power with wide discretion without any guidelines, without any just, fair or reasonable procedure is constitutionally anathema to Articles 14, 16(1), 19(1)(g) and 21 of the Constitution. Doctrine of reading down cannot be extended to such a situation."

55.In the same judgment, agreeing with the view of the Hon'ble Mr. Justice ***K.RAMASWAMY,*** Hon'ble Mr. Justice ***B.C.RAY*** [as he then was], in ***Delhi Transport Corporation Vs. DTC Mazdoor Congress and Others*** reported in ***AIR 1991 SC 101***, *has* also held as follows:-

*"**199.....**Considering from all aspects Regulation 9(b) is illegal and void as it is arbitrary, discriminatory and without any guidelines for exercise of the power. Rule of law posits that the power is to be exercised in a manner which is just, fair and reasonable and not in an unreasonable, capricious or arbitrary manner leaving room for discrimination....."*

56.Mr.N.Jothi, learned Senior Counsel, relied upon a judgment of the Hon'ble Supreme Court in ***A.N.Parasuraman and others v. State of Tamil Nadu*** reported in ***(1989) 4 SCC 683***, wherein, the Hon'ble Supreme Court

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struck down Tamil Nadu Private Educational Institutions (Regulations) Act, 1996, on the ground that the legislation cannot delegate an authority, the task of implementing the object of the Act without laying down adequate guidelines for the exercise of power. The relevant portion of the judgment is extracted as under :

> *"**6.** The purpose of the Act is said to regulate the private educational institutions but does not give any idea as to the manner in which the control over the institutions can be exercised. The Preamble which describes the Act "for regulation" is not helpful at all. Learned counsel for the State said that the Object and the Reasons for the Act are to eradicate corrupt practices in private educational institutions. The expression "private educational institution" has been defined as meaning any college, school or other institution "established and run with the object of preparing, training or guiding its students for any certificate, degree or diploma", and it can, therefore, be readily inferred that the purpose of the Act is to see that such institutions do not exploit the students; and while they impart training and guidance to the students of a standard which may effectively improve their knowledge so as to do well at the examination, they do not charge exorbitantly for their services. But the question is as to how this objective can be achieved. Section 6 which empowers the competent authority to grant or refuse to grant the permission for establishing and running an institution does not give any idea as to the conditions which it has to fulfil*

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before it can apply for permission under the Act, nor are the tests indicated for refusing permission or cancelling under Section 7 of an already granted permission. The authority concerned has been left with unrestricted and unguided discretion which renders the provisions unfair and discriminatory.

7. *It was argued on behalf of the State that since an application for permission has to supply the particulars as detailed in Section 4(2)(c) (quoted above in para 4), the Act must be deemed to have given adequate guidelines. Special emphasis was given by the learned counsel on the sub-clauses (iii), (iv) and (v) of Section 4(2)(c), which ask for information about the amenities for the students — the equipments, laboratory, library and other facilities for instruction — and, the names of the teachers with their qualifications. It may be noted that the Act, beyond requiring the applicant to make a factual statement about these matters, does not direct the institution to make provisions for them (or for any or some of them) as condition for grant of permission. The maintenance of any particular standard of these heads are not in contemplation at all, although certain other aspects, not so important, have been dealt with differently in several other sections including Sections 4, 5, 9, 10 and 11. Section 4(2)(b) mandatorily requires the applicant to pay the "prescribed" fee; Section 5 gives precise direction regarding the name by which the institution is to be called; and Section 9 about the certificates to be issued by it; and Section 11 makes it obligatory to maintain accounts in the "prescribed" manner. But, there is no indication, whatsoever, about*

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the legislative policy or the accepted rule of conduct on the vital issue about the maintenance of academic standard of the institution and the other requirements relating to the building, library and necessary amenities for the students, as the Act is absolutely silent about the criteria to be adopted by the prescribed authority for granting or refusing permission. The rules which were made under Section 27 in 1968 and called the Tamil Nadu Private Educational Institutions (Regulation) Rules, 1968, are not called upon to lay down any norm on these issues and naturally do not make any reference to these aspects. The result is that the power to grant or refuse permission is to be exercised according to the whims of the authority and it may differ from person to person holding the office. The danger of arbitrariness is enhanced by the unrestricted and unguided discretion vested in the State Government in the choice of "competent authority" defined in Section 2(c) in the following words:

> *"(c) 'competent authority' means any person, officer or other authority authorised by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of private educational institutions, as may be specified in the notification;"*

The only safeguard given to the applicant institution is to be found in the first proviso to Section 6 which says that the permission shall not be refused unless the applicant has been given an opportunity of making his representation, but that does not by itself protect the applicant from discriminatory treatment.

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So far Section 7 dealing with power to cancel the permission granted earlier is concerned, no objection can be taken to the first part of the section, whereunder the permission may be cancelled in case of fraud, misrepresentation, suppression of material particulars or contravention of any provision of the Act or the Rules. But the other ground on which the authority can exercise its power being contravention "of any direction issued by the competent authority under this Act" again suffers from the vice of arbitrariness. Section 15, the relevant section in this regard, states that "the competent authority may, from time to time issue such directions regarding the management of a private educational institution as it may think fit" (emphasis added). The section is too wide in terms without indicating the nature of such direction or the extent within which the authority should confine itself while exercising the power. Similar is the situation in the matter of exemption from the Act. The power to grant exemption is contained in Section 22, quoted in para 2 above.

8. *The provisions of the Act indicate that the State Government has been vested with unrestricted discretion in the matter of the choice of the competent authority under Section 2(c) as also in picking and choosing the institutions for exemption from the Act under Section 22. Such an unguided power bestowed on the State Government was struck down as offending Article 14 in the case of the State of W.B. v. Anwar Ali Sarkar [(1952) 1 SCC 1 : AIR 1952 SC 75 : 1952 SCR 284 : 1952 Cri LJ 510] . A similar situation arose in K.T. Moopil Nair v. State of Kerala [AIR 1961 SC 552 : (1961) 3 SCR 77] where, under Section 4 of the*

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Travancore-Cochin Land Tax Act, 1955, all lands were subjected to the burden of a tax and Section 7 gave power to the Government to grant exemption from the operation of the Act. The section was declared ultra vires on the ground that it gave uncanalised, unlimited and arbitrary power, as the Act did not lay down any principle or policy for the guidance of exercise of the discretion in respect of the selection contemplated by Section 7.

9.*Similar is the position under Sections 6 and 7 of the present Act. The learned counsel for the respondent State contended that by reference in Section 4 to the particulars to be supplied in the application for permission, it can be easily imagined that the competent authority has to take into account all that may be validly relevant for the grant or refusal of permission. We are afraid, the section cannot be saved by recourse to this argument in absence of any helpful guidance from the Act. The position in this case cannot be said to be on a better footing than that of the Gold (Control) Act, 1968, which was challenged in Harakchand Ratanchand Banthia v. Union of India [(1969) 2 SCC 166 : (1970) 1 SCR 479] . As is indicated by the judgment, the Gold (Control) Act had to be passed as gold was finding its way into the country through illegal channels, affecting the national economy and hampering the country's economic stability and progress, and the customs department was found unable to effectively combat the smuggling. Section 27(6)(a) of the said Act stated that in the matter of issue or renewal of licences the "Administrator shall have regard to the number of dealers existing in the region in which the applicant*

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intends to carry on business as a dealer". The expression "region" was not defined in the Act and Section 27(6)(b) required the Administrator to have regard to "the anticipated demand, as estimated by him, of ornaments in the region". The argument in support of the validity of the Act was that these provisions provided adequate guidance to the Administrator, which the Court rejected, holding that the expression "anticipated demand" was vague and not capable of objective assessment and, therefore, was bound to lead to a great deal of uncertainty. The other provisions mentioning "suitability of the applicant" in Section 27(6)(e) and "public interest" in Section 27(6)(g) were also held to have failed in laying down any objective standard or norm so as to save the Act. The provisions of the Act, with which we are dealing in the present cases, are far less helpful for the purpose of upholding its validity."

57.In ***K.T.Plantation Private Limited and Others Vs. State of Karnataka [2011 [9] SCC 1],*** the Hon'ble Supreme Court has held as follows:-

"35.....The question whether any particular legislation referred from excessive delegation, has to be determined by the Court having regard to the subject-matter, the scheme, the provisions of the statute including its preamble and the facts and circumstances and the background on which the statute is enacted."

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58.In ***Vasantlal Maganbhai Sanjanwala Vs. The State of Bombay and Others [AIR 1961 SC 4],*** the Hon'ble Supreme Court has observed as follows:-

> "18.....*An overburdened legislature or one controlled by a powerful executive may unduly overstep the limits of delegation. It may not lay down any policy at all; it may declare its policy in vague and general terms; it may not set down any standard for the guidance of the executive; it may confer an arbitrary power on the executive to change or modify the policy laid down by it without reserving for itself any control over subordinate legislation. This self effacement of legislative power in favour of another agency either in whole or in part is beyond the permissible limits of delegation. It is for a court to hold on a fair, generous and liberal construction of an impugned statute whether the legislature exceeded such limits. But the said liberal construction should not be carried by the courts to the extent of always trying to discover a dormant or latent legislative policy to sustain an arbitrary power conferred on executive authorities. It is the duty of this court to strike down without any hesitation any arbitrary power conferred on the executive by the legislature."*

59.From a close look at Section 77-A, though the provision requires a Show Cause Notice before passing an order under Section 77-A, the power

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given to the Registrar is without guidelines. In most of the individual cases where the notice issued by the District Registrar is challenged in the writ petition, application is filed by individuals after few years of the transaction but pursuant to the introduction of Section 77-A. When Courts have repeatedly held that District Registrar or Sub-Registrar has no jurisdiction to decide title dispute between the rival claimants and the Registrar under the Principal Act is not authorised to examine the validity of documents and it is not the duty of Registering Authorities to go into the title of vendor or the validity of transaction, on the literal interpretation of Section 22-A and 22-B of the Act, by the impugned legislation, the jurisdiction of the District Registrar is expanded to entertain an application under Section 77-A after any length of time without any restriction and the District Registrar may cancel a document, if in his opinion, it is found that the registration of the document is in contravention of Section 22-A or Section 22-B. When we read Section 22-A and Section 22-B, the District Registrar is required to go into rival contentions about title, character of property to invalidate a transaction without guidelines. Even decisions of revenue officials or entries in revenue records is not conclusive to prove title. In the absence of any guidelines or regulations, this Court has no clue

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as to the materials that would be relied upon by the District Registrar to decide such contentious jurisdictional issues.

60.For all the above reasons, in addition to the issues what we have framed for consideration, this Court with its judicial proprietory and wisdom is of the opinion that the power under Section 77-A though may in a few cases come in aid for an innocent land owner to get the registered instrument starring against at him, ineffective without the aid of Civil Court which may take considerable time, will cause unimaginable hardship and irretrievable damage to the real owners of the property in lakhs of cases with the unfettered, unguided and unlimited power under Section 77-A to unsettle transactions and to make properties litigious thereby affecting substantial rights of owners of properties.

61.This Court has already expressed its concern about vesting of jurisdictional issues with the Registrar under Section 77-A. Though Section 77-A contemplates issuance of show cause notice, the unfettered power to cancel registration that fall under Section 22-A or Section 22-B vest with the

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Registrar, based on his opinion. Following the judgment of a Division Bench of this Court in ***J.Barathan's case [2015 [8] MLJ 769]*** relied upon by the learned Advocate General, this Court may also agree with the learned Advocate General that the Inspector General of Registration, in exercise of power under Section 69(1) of Registration Act, can give guidelines. Though the learned Advocate General submitted that the guidelines produced before this Court will be modified in accordance with the direction, if any, required by this Court to read down Section 77-A, the circular now produced by the learned Advocate General is not in conformity with Section 77-A read with Section 22-A and Section 22-B. Section 22-B as introduced mandates the Registering Officer to refuse to register the forged document. However, the Inspector General of Registration has now given power by the Master Circular to the Registrar to hold enquiry not only to find whether a document presented for registration is forged but also to cases where title to property, is claimed through forged documents like patta, tax receipts, death certificate, legal heirship certificate, etc., or title is claimed through previously forged registered documents.

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62.The power to issue administrative instructions is vested with the Inspector General of Registration under Section 69(1) of the Registration Act. The Division Bench of this Court in ***Inspector General of Registration, Chennai and another v. J.Barathan*** reported in ***(2015) 8 MLJ 769,*** has held that the Inspector General is empowered to issue Circulars in exercise of his general power of superintendence over all the Registering Officers in the State and also have power from time to time to make Rules consistent with the Act. The Master Circular relied upon by the learned Advocate General falls under the first category of cases for the exercise of which sub-section [2] has no application. However, the power of Inspector General of Registration to issue circulars which fall under the first category, does not enable the Inspector General to issue Circular or guidelines which is beyond the scope of the statutory provision. In ***State of Kerala Vs. K.M.Charia Abdualla and Company*** reported in ***1964 SCC Online SC 92***, the Hon'ble Supreme Court has categorically held that while making a rule, the State or authority which are delegated to make the Rule, cannot transcend its authority. If a statutory rule or regulation is made in

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exercise of delegated authority, the Regulations will be valid and binding only if it is made within the limits of authority conferred. It is already seen that uncanalised power is given to Sub Registrar and District Registrar. Now, it is demonstrated that the power conferred on the Inspector General of Registration under Section 69[1] of the Act is also capable of being overstepped as pointed above. The District Registrar who is often expected to follow the Circular issued by the Inspector General of Registration rather than applying law on the basis of judicial precedents, is capable of passing any order which is beyond the power conferred under Section 77-A on the basis of circulars. As it is pointed out from the Circular, with the possible assumption of excessive jurisdiction by the Inspector General of Registration to give guidelines beyond the scope and object of the provision, this Court will not be surprised if erratic orders are passed by the District Registrar which is even beyond the scope of his power and jurisdiction under the Registration Act particularly, Section 77-A.

63.From the counter affidavit, this Court is unable to find any substance while meeting the legal grounds raised in the writ petitions

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challenging the constitutional vires. This Court finds lack of legislative wisdom in bringing the amendment introducing Section 77-A of the Act. When the amendment is challenged on the ground of excessive delegation giving unlimited and uncanalized power to cancel the instrument based on opinion without guidelines to the District Registrar who is not a qualified person to perform with a legally trained mind, the respondents have not even clarified the adequacy of guidelines which are framed by way of Master Circular referred to in the counter affidavit.

64.This Court has already noticed that Section 22-A, which was originally introduced in 1997, gave power to the Sub Registrar to refuse to register documents which is against public policy. Similar enactment in the State of Rajasthan was struck down by the High Court of Rajasthan and the judgment of a Division Bench of Rajasthan High Court was upheld by the Hon'ble Supreme Court in ***State of Rajasthan v. Basant Nahata, (2005) 12 SCC 77.*** Section 22-A then was struck down because the Sub Registrar was given unguided power to decide whether a document is against public policy. The Hon'ble Supreme Court held that the essential functions of the

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legislature cannot be delegated and it must be judged on the touchstone of Article 14 and Article 246 of the Constitution. The Hon'ble Supreme Court noticed that what is termed 'public policy' is not defined and that a thing which is so uncertain cannot be a guideline for anything and it cannot be said that the legislature has provided sufficient guidelines for the executive to work within a framework. The present Section 22-A now enables Sub Registrar to refuse to register for the reasons stated therein. The Sub Registrar has to literally decide title. But on what basis? Either on the basis of patta or on proof by other documents. What, if anybody has a claim based on Ryotwari Patta or Civil Court's decree. Registration Act is not a substantive law and it was never intended to deal with transactions. This Court is of the view that by permitting the executive to decide such complicated contentious issues enumerated under Section 22-A and Section 22-B of the Registration Act without guidelines or limitations, it will lead to chaos, especially when the District Registrar is not competent to pass orders judiciously. In view of the foregoing analysis, this Court holds that Section 77-A confers uncanalised, unbridled and unfettered power to decide jurisdictional issues involving complex issues on law and facts and hence,

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violative of Article 14 of Constitution.

A[5]:-Whether the power conferred under Section 77-A is liable to be struck down for being contrary to the fundamental principle that judicial power to decide complicated issues on facts and law resulting in serious legal implications affecting the rights of parties cannot be delegated to executive authorities:-

65.Section 31 of the Specific Relief Act deals with cancellation of instruments. A person who has reasonable apprehension that any instrument, if left unchallenged may cause him serious injury, can file a suit for declaration that such instrument is void or voidable and the Court may grant declaration as to the character of instrument and direct cancellation of registration. The Court is also required to send a copy of its decree to the Registrar as officer in whose office the instrument had been registered and the officer should then make an endorsement in his books regarding the factum of its cancellation. Section 31 of Registration Act specifically enables the Civil Court to declare any transaction as invalid and as a consequence,

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the registration is liable to be cancelled. Similarly, Section 34 of Specific Relief Act also enables a person to institute a suit for declaration as to one's right and title. The declaration may also be as to the character of document. Section 9 of Code of Civil Procedure deals with jurisdiction of Civil Courts to try all civil suits unless such jurisdiction is either expressly or impliedly barred. In the counter affidavit, it is specifically stated that Section 77-A was never intended to oust the jurisdiction of Civil Court. Having regard to the summary nature of enquiry under Section 77-A, the Civil Court's jurisdiction to decide all issues relating to validity of a transaction is not ousted. Even before Civil Court, a suit has to be filed within the period of limitation, subject to the procedure prescribed under Code of Civil Procedure. However a quicker and faster remedy is now provided under the Registration Act to cancel the registration of any document if the document is registered in contravention of Section 22-A or Section 22-B.

66.When an application is filed under Section 77-A, the District Registrar has to examine whether:-

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[a] the subject matter of the registered Deed of Conveyance belongs to the State Government or the Local Authority or CMDA ; [b]the document is in respect of the property of religious institution which comes under the purview of Tamil Nadu Hindu Religious Charitable and Endowment Act, 1959 ; [c]the property conveyed under the document was donated for Bhoodan Yajna and vested in the Board established under Section 3 of Tamil Nadu Bhoodan Yajna Act, 1958 ; [d]the document is in respect of the property belongs to Wakf which is under the superintendence of Wakf Board ; [e]the instrument relates to house sites without the permission for development of such land ; [f] the instrument relates to cancellation of Sale Deed without the consent of the person claiming under the Sale Deed ; [g]the document which was registered is a forged document ; [h]the document relates to a transaction which is prohibited by any Central or State Law ; [i]the document relates transfer of property, which is attached permanently or provisionally by a competent authority under any Central or State Act and [j]the registration of document is prohibited by a notification of Government.

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67.While, the Sub Registrar before accepting a document for registration is expected to hold an enquiry by virtue of Section 22-A and section 22-B, the Registrar can cancel the document after registration in exercise of his power under Section 77-A, if the document is registered in contravention of Section 22-A and Section 22-B. All the issues are normally raised before the Civil Court which would frame appropriate issues and resolve by conducting trial following the procedure prescribed in CPC, at every stage during trial till judgment is delivered. The power is now given to the District Registrar whose qualification prescribed cannot be compared with a judicial officer who is trained to decide any contentious issue judiciously. The District Registrar who is not even a law graduate or acquainted with legal principles but bound by Circulars rather than precedents, is now supposed to adjudicate disputes on title. The District Registrar is not competent to decide complicated issues involving questions of law and facts. Having regard to the qualification required / prescribed to the post, we cannot expect the District Registrar to have a judicially trained

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mind. When the power of Civil Court is alternatively given to an executive authority without any guidelines to seek parallel remedy, this Court is unable to imagine the damages that are likely in the process.

68.Independence of judiciary is an important facet of our Constitution and it is recognised as one of the basic structure doctrine. The doctrine can also be paralysed by conferring uncanalized judicial power to the executive to perform what the judiciary is expected to. The impugned legislation is nothing but an attempt to create a forum which is parallel to the judiciary and to confer such wide powers with the executive to resolve issues beyond its competence. It is to be noted that the District Registrar is not independent and as a Government servant, he is expected to show favoritism while dealing with dispute where the Government or revenue is making the rival claim. When independence of judiciary is an essential feature of Constitution, this Court cannot ignore the submission of the learned counsels appearing for the petitioners about the cumulative effect of conferring wide power with the executive authority namely, the Registrar. It has been held in ***Pareena Swarup Vs. Union of India [2008 [14] SCC 107]***

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that it is the duty of the Government to see that whether they are not in breach of basic constitutional scheme of separation of powers and independence of the judiciary. When Tribunals are constituted, the Hon'ble Supreme Court in ***L.Chandrakumar Vs. Union of India [1997 [3] SCC 261]*** has reiterated the free and independent judiciary that the Constitution guarantees.

69.In ***Madras Bar Association Vs. Union of India and Another [2022 [12] SCC 455]***, a Three Member Bench of Hon'ble Supreme Court has quoted its judgment in ***S.P.Sampath Kumar Vs. Union of India [1987 [1] SCC 124]*** and reiterated the principle that Hon'ble Supreme Court would always be careful in considering the efficacy of the body and its ability to administer justice in a fair and impartial manner, having regard to the qualifications and experience of his personnel as well as safeguards of tenure, salary etc. The Hon'ble Supreme Court has also observed that independent and efficient judicial system has been recognized as part of basic structure of our Constitution. In the context of examining the validity of Rules prescribing the terms, service conditions of Members of Income

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Tax Appellate Tribunal, Hon'ble Supreme Court while observing that all Tribunals and Commissions which exercise judicial functions that would ordinarily fall within the jurisdiction of Courts, should also to be subjected to the supervisory jurisdiction of High Courts under Article 227 of Constitution, reiterated that such alternative Forums or Bodies should also exist to ensure that people who approach these Bodies are assured of the same kind and quality of justice, infused with what citizens expect from Courts, i.e., independence, fairness, impartiality, professionalism and public confidence. The Hon'ble Supreme Court in the above judgment added further and Paragraphs 81 to 86 of the said judgment will throw some light:-

> *"**81.** In all these decisions, this Court's scrutiny was based upon its role as the guardian of the Constitution and, more specifically, independence of the judiciary. If one were asked to pinpoint any specific provision of the Constitution that this Court relied upon while holding the enacted provisions to be falling afoul of, there would be none. It is too late now to contend that independence of the judiciary and separation of powers are vague concepts based on which parliamentary re-enactment cannot be invalidated.*
>
> ***82.** The role of this Court in considering whether or not provisions of law or executive policies are in consonance with the Constitution is well*

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recognised and cannot be overemphasised. The Attorney General's assertion that the executive or indeed Parliament acts within its rights in interpreting the Constitution, and therefore this Court should adopt a deferential standard in matters of policy are therefore insubstantial, and also disquieting. As conceded by the Union, if a law (passed validly in exercise of its exclusive power by Parliament on its interpretation of the Constitution) violates any express provision or principle that lies at the core of any express provision or provisions, this Court's voice is decisive and final.

83. *Pertinently, in matters of independence of the judiciary or arrangement of courts or tribunals, when these provisions come up for interpretation, this Court would apply a searching scrutiny standard in its judicial review to ensure that the new body, court, tribunal, commission or authority created to adjudicate (between citizens and government agencies or departments, citizens and citizens, or citizens and corporate entities) are efficient, efficacious and inspire public confidence.*

84. *The role of courts in considering a provision of law setting up adjudicatory bodies, was recognised in R.K. Jain v. Union of India [R.K. Jain v. Union of India, (1993) 4 SCC 119 : 1993 SCC (L&S) 1128 : (1993) 3 SCR 802] in the following terms : (SCC pp. 171-72, paras 70-71)*

> *"70. ... The faith of the people is the bedrock on which the edifice of judicial review and efficacy of the adjudication are founded. The alternative arrangement must, therefore,*

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be effective and efficient. For inspiring confidence and trust in the litigant public they must have an assurance that the person deciding their causes is totally and completely free from the influence or pressure from the Government. To maintain independence and impartiality it is necessary that the personnel should have at least modicum of legal training, learning and experience. Selection of competent and proper people instil people's faith and trust in the office and help to build up reputation and acceptability. Judicial independence which is essential and imperative is secured and independent and impartial administration of justice is assured. Absence thereof only may get both law and procedure wronged and wrongheaded views of the facts and may likely to give rise to nursing grievance of injustice. Therefore, functional fitness, experience at the Bar and aptitudinal approach are fundamental for efficient judicial adjudication. Then only as a repository of the confidence as its duty, the tribunal would properly and efficiently interpret the law and apply the law to the given set of facts. Absence thereof would be repugnant or derogatory to the Constitution.

71. The daily practise in the courts not only gives training to advocates to interpret the rules but also adopt the conventions of courts. Inbuilt experience would play vital role in the administration of justice and strengthen and develop the qualities, of intellect and character, forbearance and patience, temper

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and resilience which are very important in the practise of law. Practising advocates from the Bar generally do endow with those qualities to discharge judicial functions. Specialised nature of work gives them added advantage and gives benefit to broaden the perspectives. "Judges" by David Pannick (1987 Edition), at p. 50, stated that, 'we would not allow a man to perform a surgical operation without a thorough training and certification of fitness. Why not require as much of a trial Judge who daily operates on the lives and fortunes of others'."

85. *It would be useful to notice that whenever Parliament creates tribunals with exclusive jurisdiction, the parent enactment or law invariably bars the jurisdiction of ordinary civil courts. [Section 293, Income Tax Act; Section 20-A of the Securities and Exchange Board of India Act, 1992; Section 18, the Recovery of Debts and Bankruptcy Act, 1993; Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; Section 268, Companies Act, 2013; Section 231 of the Insolvency and Bankruptcy Code, 2016; Section 56, Petroleum and Natural Gas Regulatory Board Act, 2006; Section 154, Electricity Act, 2003; Section 27 of the Telecom Regulatory Authority of India Act, 1997; Section 61 of the Competition Act, 2002.] This in my opinion is the clearest indicator of the fact that but for such provisions and the creation of such exclusive bodies, civil courts would of necessity have enjoyed jurisdiction to adjudicate disputes arising out of such new legislation [Section 9 of the Civil Procedure Code] . This underscores the*

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fact that the appropriate legislature wishes those disputes arising from such new legislation not to be adjudicated by civil courts : which otherwise would have possessed jurisdiction over them. Such disputes may include issues such as refund of excess amounts claimed as tax, private disputes between two licensees under a statutory regime such as telecom or electricity laws, etc. consumer disputes, liability to banks and financial institutions, and so on.

86. *Parliament has, over the years, created several tribunals and commissions which exercise judicial functions that would ordinarily fall within the jurisdiction of courts; they would also have been subjected to the supervisory jurisdiction of the High Courts under Article 227. This gradual "hiving off" of jurisdiction from the courts, therefore, calls for a careful and searching scrutiny to ensure that those who approach these bodies are assured of the same kind and quality of justice, infused with what citizens expect from courts i.e. independence, fairness, impartiality, professionalism and public confidence. These considerations are relevant, given that "policy" choices adopted by the executive or legislature in the past, when it concerned dispensation of justice through courts, were the subject-matter of scrutiny under judicial review by courts."*

70. The following principles would emerge from the said judgment of Hon'ble Supreme Court :

(a) Independence of judiciary should be ensured by the High

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Courts and the Hon'ble Supreme Court as guardian of the Constitution. Independence of judiciary and separation of powers are not weak concepts.

(b) The Constitutional Courts will always ensure that the new Body, Court, Tribunal, Commission or Authority created to adjudicate substantive issues affecting rights of individuals are efficient, efficacious and inspire public confidence.

(c) The gradual "hiving" of jurisdiction from the Courts call for a careful and searching scrutiny to ensure that those who approach these Bodies are assured of the same kind and quality of justice, infused with what citizens expect from Courts that is independence, fairness, impartiality, professionalism and public confidence.

71.In the same judgment above referred to, it has been observed that the fundamental right to equality before law and equal protection of laws guaranteed by Article 14 of the Constitution includes right to have the

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person's rights adjudicated by a Forum/Tribunal which exercises judicial power in an impartial and independent manner, in the same way as any Court.

72.In ***Union of India Vs. Madras Bar Association*** reported in ***2010 [11] SCC 1,*** Hon'ble Supreme Court has held as follows:-

> *"108.The legislature is presumed not to legislate contrary to the rule of law and therefore know that where disputes are to be adjudicated by a judicial body other than courts, its standards should approximately be the same as to what is expected of mainstream judiciary. The rule of law can be meaningful only if there is an independent and impartial judiciary to render justice. An independent judiciary can exist only when persons with competence, ability and independence with impeccable character man the judicial institutions. When the legislature proposes to substitute a tribunal in place of the High Court to exercise the jurisdiction which the High Court is exercising, it goes without saying that the standards expected from the judicial members of the Tribunal and standards applied for appointing such members, should be as nearly as possible as applicable to the High Court Judges, which are apart from a basic degree in Law, rich experience in the practice of law, independent outlook, integrity,*

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character and good reputation. It is also implied that only men of standing who have special expertise in the field to which the Tribunal relates, will be eligible for appointment as technical members. Therefore, only persons with a judicial background, that is, those who have been or are Judges of the High Court and lawyers with the prescribed experience, who are eligible for appointment as High Court Judges, can be considered for appointment as judicial members."

73.A Division Bench of this Court in ***S.Manoharan Vs. The Deputy Registrar, Central Administrative Tribunal, Principal Bench, New Delhi and Others, 2015 [2] LW 343,*** examined the legality of the order of the Hon'ble Chairman of Central Administrative Tribunal, refusing to change the composition of a Full Bench constituted by him comprising of two Administrative Members and one Judicial Member. Following the judgments of Hon'ble Supreme Court in ***Madras Bar Association Vs. Union of India*** reported in ***2010 [11] SCC 67*** and in ***2014 [10] SCC 1,*** the Division Bench allowed the writ petition and remitted the matter back to the Tribunal for reconsideration of the Full Bench with a request to reconstitute the Bench in accordance with what has been indicated in the said judgment. A specific observation was made in the judgment indicating that the number

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of Administrative Members cannot exceed the number of Judicial Members when a Larger Bench is constituted. From the judgment, it is seen that where substantial questions of law are required to be answered by the Tribunal or adjudicating machinery, there must be a judicially trained mind with experience. It is also required that the Court is always recognised to hold the power to decide whether the Forum constituted under statute to decide important issues, is capable of deciding the matter judiciously.

74.In ***Horil Vs. Keshav and Others*** reported in ***AIR 2012 SC 1262,*** the Hon'ble Supreme Court considered the maintainability of a suit which is for a declaration that decree passed in a suit under Sections 176, 178 and 192 of U.P.Zamindari Abolition and Land Reforms Act, by the Assistant Collector Class I, on the ground that it is fraudulent, in-operative and not binding on the plaintiff. Since the decree passed by the Assistant Collector was a compromise decree, one of the contentions raised was that it is beyond the competence of the Civil Court as it could be tried only by the revenue authorities with reference to the statutory provisions. Hon'ble Supreme Court held that the Civil Court alone is competent to decide the

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allegations of fraud as Revenue Courts are neither equipped nor competent to effectively adjudicate allegations of fraud or criminality and only the Civil Courts are really skilled and experienced to try such issues.

75.A learned Single Judge of this Court in ***S.Palaniswamy and Others Vs. The Commissioner, HR&CE Department, Chennai and Others*** reported in ***2001-2-LW-783*** allowed the writ petition challenging the order passed by the Commissioner, HR&CE setting aside the order passed by the Deputy Commissioner, declaring that the petitioner's family are holding office of trusteeship hereditarily. The learned Judge held that the order of the Deputy Commissioner is based on records and by relying upon the Civil Court's verdict dismissing the rival claim of third parties. Referring to Article 261 of the Constitution, the learned Judge has held as follows:-

> *"**5.**.....Therefore, when once the Civil Court decree on this very issue has become final by virtue of Article 261 of the Constitution, full faith and credit should be given to the Civil Court proceedings. In such a situation it is not known as to how the first respondent could ignore the binding effect of a Civil Court decree by holding that the basis of the earlier*

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order of the 2nd respondent was unsupported by any documentary evidence. Thus, the conclusion of the 1st respondent which came to be made after a lapse of 20 years, that too, without any justifiable grounds cannot be sustained."

76.In ***State of Kerala and Others Vs. Travancore Chemicals and Manufacturing Company and Another*** reported in ***1998 [8] SCC 188,*** the Hon'ble Supreme Court has examined the issue whether a statutory provision enabling an Executive Authority to pass an order can be given effect to subvert the judicial decision. It has been observed that a decision of Executive Authority even in exercise of a quasi judicial power cannot be allowed to override the exclusive domain of judiciary. In the counter affidavit, it is stated that introduction of Section 77-A is not with an intention to affect the judicial decision or the Civil Court's jurisdiction to decide any issue and that the power of the Registrar under Section 77-A is independent. The intention of legislation though does not affect the jurisdiction of Civil Court, a decision invalidating a transaction resembles the power of Civil Court to declare the invalidity of a transaction or to set aside any instrument.

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77.Mr.Srinath Sridevan, learned Senior Counsel relied upon a judgment of the Hon'ble Supreme Court in the case of ***Indian Aluminium Company and Others Vs. State of Kerala and Others,*** (***1996) 7 SCC 637*** for the proposition that the adjudication of rights of the parties is an essential judicial function and the legislature has to lay down only the norms or rules which will govern the parties and the transactions so that the Court will give effect to them. The question arose before the Hon'ble Supreme Court which prompted the Hon'ble Supreme Court to make an observation in tune with the statement of the learned Senior Counsel was in a different context. The Hon'ble Supreme Court examined the validation provision contained in Section 11 of Kerala Electricity Surcharge [Levy and Collection] Act, 1989. The Kerala State Legislature enacted Kerala Electricity Duty Act, 1963 at varying rates. Subsequently, the State of Kerala introduced the Kerala Electricity Supply [Kerala State Electricity Board and Licensees Area] Surcharge Order, 1984 and the same was declared ultra vires, the power of the State Government. The High Court of Kerala held that the Government, acting as a delegate under the Kerala Essential Articles Control Act, 1986, is

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not comptent to impose any tax. A writ of mandamus was issued directing refund of surcharge collected from the writ petitions before the High Court. The judgment of Kerala High Court was upheld by the Hon'ble Supreme Court by dismissing the Special Leave Petitions in *limine*. After the amendment of Essential Articles [Control] Act, 1963, by Amendment Act 13 of 1988, the Governor of Kerala issued an Ordinance called the Kerala Electricity Surcharge]Levy and Collection] Ordinance, 1989 which later became an enactment, namely, Act 22 of 1989, by which the consumers are made liable to pay Rs.2.50 paise per unit of electrical energy supply. The consumers filed writ petitions challenging Act 22 of 1989. The judgment of High Court upholding the validity of the Act and order was confirmed by the Hon'ble Supreme Court in the judgment stated supra.

78.As per Section 11 of Act 22 of 1989, notwithstanding anything to the contrary contained in any judgment, decree or order of any Court, the levy and collection of surcharge by the Board and other licensees on or after first day of October 1984 and before first day of August 1988 under the State Electricity Supply Surcharge Order, 1984, shall be deemed to be, and

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deemed always to have been validly levied and collected as if the said order was a notified order under Section 3 of Act 22 of 1989. The validation provision also declares that no suit or other proceeding shall be maintained or continued in any Court for refund of any surcharge and no Court shall enforce a decree or order directing refund of any such surcharge. The question therefore before the Hon'ble Supreme Court was whether Section 11, an anti-judicial power interfering with or encroaching on judicial review entrusted to the Courts, a basic feature of constitution and whether it directly overrule the judgment of the High Court. In other words, the question posed before the Hon'ble Supreme Court was whether the legislature has trespassed and trenched into the basic feature of judicial review. The argument before the Hon'ble Supreme Court was that judicial review being the basic structure of the Constitution, Section 11 is ultra vires of the constitution and the law overruling the previous judgment of High Court, prohibiting the collection of duty is unconstitutional. It is well settled that by validation, a legislature can remove the defect which the Court had found in the previous law. If the validating law is held constitutional, then the Act can confer jurisdiction upon the Court with retrospective effect and validate

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the past transactions which were declared to be unconstitutional. The Hon'ble Supreme Court therefore held as follows:-*"the legislature cannot assume power of adjudicating a case by virtue of its enactment of the law without leaving it to the judiciary to decide it with reference to the law in force. The legislature is also incompetent to overrule the decision of a Court without properly removing the base of which the judgment is founded."* Therefore, the judgment of Hon'ble Supreme Court in ***Indian Aluminium Company Limited case [cited supra],*** if considered in the context in which the statement of law found in paragraph No.56[1], the same may not lend any support challenging the constitutional vires of Section 77-A. However, this Court cannot ignore the broad position that a statute which contemplates adjudication of rights of parties, cannot vest the essential judicial function to an authority who has no trained legal mind or experience to deal with complex issues involving questions of law.

79.The Hon'ble Supreme Court and this Court, in very many judgments have recognized the principle that the executive authorities should not be given judicial power to deal with the issues relating to title. Even

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where exclusive jurisdiction is vested with executive authorities to decide certain issues and Civil Court's jurisdiction to decide those issues are specifically barred, Courts have held that exclusion of jurisdiction of Civil Court will be for a limited purpose of the statute, especially when no machinery is provided under the Act to decide disputed or contentious issues between rival claimants.

80.The Hon'ble Supreme Court and this Court have always expressed their reservations in conferring upon executive, the judicial power to deal with issues and deciding dispute involving complicated legal and factual issues. Absence of an effective machinery to decide such issues by executive authority is also the concern of Courts. Further, the power conferred on the executive authority to cancel registration of documents though lead to invalidation of transaction, the relief is not absolute or complete and the person who is successful in getting the registration invalid may still has to approach the Civil Court for consequential reliefs. Therefore, no finality is attached to the order passed by the District Registrar under Section 77-A. The Civil Court's jurisdiction to decide once again the issues will only lead to

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multiplicity of proceedings and it is against the fundamental principles to allow the executive to pass orders

affecting the title of one and then to say that such decision is not final and the Civil Court can revisit and pass suitable orders to render the decision of executive authority invalid. One of the principles or objects behind Section 11 of CPC and Order 2 Rule 2 of CPC and proviso to Section 34 of Specific Relief Act is to avoid multiplicity of proceedings. By the impugned amendment, a forum is created by conferring the power of judiciary to the District Registrar to nullify or invalidate any transfer inter vivos even though there is no finality attached to it. Further the relief is not adequate or effective in different circumstances. It is now interesting to note that in the counter affidavit, the reasons for introducing the amendment are given. We fail to understand any bona fides or wisdom in introducing Section 77-A to invalidate transactions by assuming jurisdiction of a Civil Court to decide serious issues on title, without attaching finality to such decision.

81.As pointed by the Hon'ble Supreme Court in ***Madras Bar***

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Association's case [cited supra], no provision can be made by the legislation which would have a tendency of making inroads into the judicial sphere and such encroachment by a legislature will amount to violation of principles of separation or powers and judicial independence.

82.A learned Single Judge of this Court in ***WP.No.16999/2023 [M.Revathy Vs. Inspector General of Registration and 11 Others],*** vide order dated 08.06.2023, dismissed the writ petition filed for issuance of a writ of mandamus to direct the District Registrar to consider the representation of the petitioner therein to cancel five registered documents executed between 2015 and 2018. The learned Single Judge of this Court observed that the powers conferred to the District Registrar to cancel the document under the grounds of fraud or impersonation, cannot be expanded by adjudicating the title, ownership or disputed issues between the parties. The learned Judge, in **paragraph No,12,** has held as follows:-

> *"12.In view of the provisions of the Code of Civil Procedure and Specific relief Act, the Competent Civil Court of Law is concerned to adjudicate the*

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disputed facts between the parties by framing issues and by conducting trials, so as to consider the validity of the documents registered under the Registration Act. Once the Competent Civil Court of Law declares that a registered document is null and void and invalid, thereafter under Section 89(4) of the Registration Act read with Rule 89 of the Civil Rules of Practice, the Registering Authority is bound to register the decree passed by the Civil Court in Book No.1. The mechanism provided under the Code of Civil Procedure, Specific Relief Act and Civil Rules of Practice at no circumstances be diluted in view of the provisions of the Registration Act by indirectly conferring the powers of the Civil Court on the District Registrar to invalidate the documents. Thus, the scope under the Registration Act to cancel the documents on the ground of fraud or impersonation is undoubtedly limited. While conducting a summary enquiry, if the District Registrar finds that there is a prima facie proof to establish fraud or impersonation, then alone the document is to be cancelled. Therefore, in respect of any iota of doubt on the prima facie case, the District Registrar is not empowered to adjudicate

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the issues on merits and is bound to relegate the parties to the Civil Court of law on adjudication. Comprehensive procedures contemplated under the Code of Civil Procedure, Civil Rule of Practice and the Specific Relief Act provides liberty to all the parties to establish and defend their case by producing documents and adducing evidence. Such a right of adjudication cannot be taken away by allowing the Registrar to declare the registered documents as null and void."

83.In ***G.Rajasulochana Vs. The Inspector General of Registration [WP.No.29706/2024]***, by order dated 16.04.2024, a learned Single Judge of this Court has held as follows:-

"29.Therefore, this Court is of the view that unless the forgery is conclusively established merely on the basis of allegations of forgery, as a matter of right, a document cannot be cancelled. The forgery and fraud are essentially a matter of evidence which shall be proved as per law. Therefore, unless there is a strong evidence of impersonation or forgery, i.e., a creation of false record as defined under the Indian Penal Code, merely on the basis of allegations such documents cannot be cancelled. Section 22-B relates to forged instrument not a fraudulent transaction."

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The learned Single Judge in the above judgment has considered the scope and power of District Registrar to cancel the document on grounds of fraud, and impersonation under Section 77-A of Registration Act. Writ petition filed to consider the petition submitted by the petitioner therein for cancellation of document registered by her family members, was dismissed by holding the District Registrar has no power to adjudicate issues which are to be tried by Courts. It is observed that the power conferred and jurisdiction vested with Civil Court under Section 31 of Specific Relief Act, cannot be conferred to District Registrar who are neither legally trained nor experienced to conduct such judicial proceedings.

84.The object of Registration Act is only to maintain public record in relation to immovable properties. Merely because a document executed by a person without title is registered, that does not affect the title of true owner. In other words, the question of title cannot be decided merely on the basis of registered documents of conveyance, even though such documents may be considered as evidence of transactions. Cancellation of a registered

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instrument after the transfer of right in immovable property is often the subject matter of suit under Section 31 or Section 34 of the Specific Relief Act. By registration, the Registering Officer only gives the seal of approval to the instrument and by registration, the Registering Officer does not recognise the title of individuals. Registration is a formality to complete the transfer of conveyance between two parties. A power conferred on the registering authority to cancel the registration is not therefore provided under the Act unless the document of conveyance or cancellation is signed by both parties. Even though the object of Registration Act and the amending Act are not different from the grounds on which the cancellation of registered deeds can happen under Section 77-A, we are of the view that the impugned legislation is nothing but creation of a new forum in the place of Civil Court. This cannot be permitted by constitutional Courts to protect the rights of parties to the documents.

85.Even the Civil Court's jurisdiction to cancel the instrument is only when the transaction as such, is hit by any provisions of Indian Contract Act for being void or voidable. Article 56 of Schedule to Limitation Act deals

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with suits to declare the forgery of an instrument issued or registered. The limitation for filing a suit is three years from the date of execution or from the date when the plaintiff comes to know about the registration. Article 59

of Schedule to Limitation Act prescribes three years for filing a suit to cancel or to set aside an instrument or decree. Limitation starts when the facts entitling the plaintiff to have the instrument or decree cancelled or set aside become known to the plaintiff. Section 27 of the Limitation Act extinguish the right to property at the determination of the period limited to any person for instituting a suit for possession of any property. The principle underlying Section 27 of the Limitation Act is that a person who is having a right to possession fails to file a suit within the prescribed period of limitation, will leave his title in favour of the party in possession. Now under Section 77-A of the Registration Act without any restriction, even documents which were registered some decades ago, can be challenged and the registration of the same can be cancelled on specific grounds which are enumerated under Section 22-A and Section 22-B. In the counter affidavit, the respondents have admitted this position and supported the enactment on the principle of

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equity. Even though a suit filed under Section 31 of Specific Relief Act is dismissed on the ground of limitation, power under Section 77-A can still be exercised by the Registrar. This situation renders the enactment unconstitutional being contrary to the doctrine of separation of power.

86. When judicial Forum administered by qualified and trained judges who are accountable and guided by procedures, norms, principles and precedents is available, providing parallel remedy before executive authority to decide as to the legal sanctity of registered documents, is unconstitutional. There is no certainty to any documents of conveyance if an executive authority is given unguided power which can also be misused to invalidate even genuine transaction in the absence of proper guidelines by legislation.

87. This Court had occasion to consider few order of District Registrar which are challenged before this Court by way of writ petitions. In ***WP.No.33564/2023 [K.Tamilselvi Vs. The District Registrar [Admin] and 3 Others],*** a learned Single Judge of this Court vide order dated 27.06.2024 allowed the writ petition. It is surprising to note the facts of the case in the

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said writ petition. One Govindhaswamy owned an extent of 2360 sq.ft., under the Sale Deed obtained in the year 1970. The said Govindhaswamy executed a Sale Deed in favour of the writ petitioner through his Power Agent on 05.04.2007. The private respondent in the writ petition also purchased the property from another person in 2017. However, the subsequent purchaser namely, the private respondent, filed a petition to cancel the registration of document through which the writ petitioner got title on the ground that the Power of Attorney deed executed by Govindhaswamy on 06.03.1995, is forged. It was contended by the subsequent purchaser that the principal Govindhaswamy died prior to the execution of Power of Attorney deed. To support the contention of the subsequent purchaser, he produced before the District Registrar, the Death Certificate of Govindhaswamy. However, the learned Single Judge called for the Register from which the Death Certificate was issued. It was found that the Death Certificate produced before the District Registrar is a forged one. The entry relating to the death of one Govindammal had been manipulated to fabricate a Death Certificate showing that Govindhaswamy the vendor of writ petitioner died before the Power of Attorney came into existence. The

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District Registrar relying upon such forged document, cancelled the registration on the ground that the document is forged. But for the intervention of this Court in the writ petition, the writ petitioner would have lost his title based on a valid registered Sale Deed.

88.Similarly, Hon'ble Mr. Justice N.SATHISH KUMAR in the case of ***R.Narayanan Vs. The District Registrar [Administration] and 8 Others,*** allowed the writ petition in WP.No.12472/2024 by order dated 03.07.2023 in similar circumstances. It was a case where a complaint about fraud and forgery was finally rejected by the Deputy Inspector General of Registration by order dated 08.06.2023 by directing the parties to work out their remedies before the Civil Court. However, the Deputy Registrar entertained a second complaint within a month, i.e., on 05.06.2023 and passed an order cancelling the document under Section 77-A. Without even knowing the difference between fraud and forgery, the Deputy Registrar cancelled the registration on the ground that the person who executed the document, has no title. The relevant portion of the said order is extracted for convenience:-

"*6.The very order itself indicate that it is only*

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cryptic and passed without any discussion or reasons. It is really surprising to note that when the Deputy Inspector General of Registration has passed an order on 08.05.2023 directing the parties to work out their remedy in the Civil Court, the District Registrar entertained second complaint within a month, i.e., 05.06.2023 and passed an order cancelling the document under Section 77-A. These facts, in fact, exhibit misuse of power by the authorities at their whims and fancies for extraneous consideration. Even to invoke powers under Section 77-A, it must be established that these documents are result of forgery. There are a lot of difference between forgery and fraud. Only a person commits impersonation of creates a false document as defined under Section 464 of IPC will come within the ambit of forgery. Whereas, one simply executing a document based on certain rights, though that may not be a better title, such transaction never be called as forged transaction. Therefore, if one person has alleged that those document is a result of fraud, the same has to be established in the manner known to law, since the fraud requires pleading and proof before the Civil Court. This Court has elaborately dealt this issue in the case of G.Rajasulochana V. Inspector General made in WP.No.29706/2024 dated 16.04.2024."

89.In the case of ***P.Jeganathan and Another Vs.The Inspector General of Registration, Chennai and Others*** reported in ***2023 [243] AIC 738,*** a Division Bench of this Court had an occasion to deal with the scope

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of Section 22-A and Section 77-A of the Registration Act. Notices issued by the District Registrar in exercise of his power under Section 77-A was the subject matter of the writ petition. That was a case where a temple lodged a complaint with the District Registrar claiming that the property belongs to it and that the Sale Deeds executed by the third parties in favour of the writ petitioner and others are fraudulent documents. When notices were issued on the representation of the temple to the purchasers, a writ petition was filed to forbear the District Registrar from conducting any enquiry on the ground that the Registrar has no power. After referring to Section 22-A, the claim of the temple was that it got the property under a Will of one Marimuthu Pillai. The wife of the executant of the Will exercised her proprietory right and sold the property in the year 1990. After 32 years, the temple tried to lay a claim over the property on the basis of the Will and by referring to Section 109 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Considering the fact that the Sub Registrar has to decide whether there is an absolute dedication in favour of the temple or only a charge is created over the property and whether the Will executed by Marimuthu Pillai relied on by the temple is true and valid, the Division

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Bench has held as follows:-

> *"10. It cannot be disputed that all these issues as stated above are highly technical and complicated legal issues which will have to be decided only by a legally trained mind. A District Registrar, in our opinion, cannot decide these issues. No doubt, the power is vested with the District Registrar to cancel the document but, the power of cancellation would be available only when the title of the temple is not disputed. If the title of the temple is disputed and the revenue records do not show that the property has been transferred in the name of the temple, the District Registrar cannot decide these questions and come to a conclusion as to whether the temple is the owner of the property or not. Unless the basic fact, namely, ownership of the temple or the religious institution or the State Government is admitted, Section 22-A of the Act cannot be said to be violated. It is for the temple to establish its title in a properly constituted civil suit before a competent Civil Court."*

90.In WA.No.419/2024, by judgment dated 17.04.2023, a Division Bench of this Court in the case of ***Inspector General of Registration and Others Vs. Wilson Gnanamuthu and Another,*** confirmed the order of the learned Single Judge of this Court quashing the notice for enquiry under

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S.77-A on the petition filed before the District Registrar to cancel the registered document on the ground of fraud. Relying upon the judgment of Hon'ble Supreme Court in the case of ***Mohammed Ibrahim and Others Vs. State of Bihar and Another [2009 [3] SCC 929]***, wherein the fundamental difference between fraud and forgery was considered, the Division Bench held that a Sale Deed executed by a person making a false claim does not fall within the scope of Section 77-A of the Act. Similar view was also taken by the same Bench vide judgment dated 17.04.2023 in WA.No.425/2023 [***The District Registrar and Another Vs. R.Mariselvam and 7 Others].***

91.Now let us consider a few cases where the order of Registrar passed under Section 77-A is challenged:-

[a]It is interesting to note the order impugned in WP[MD].No.22561/2023, filed by the Bank. The complainant filed a petition under Section 77-A of Registration Act for cancellation of document vouching the deposit of title deeds which is registered as Document No.2824/2016. The complainant has stated that the mortgagor before creating the mortgage by deposit of title deeds, had executed a Sale Deed in

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his favour in respect of an extent of 1167 sq.ft., out of an extent of 3626 sq.ft., of land. The District Registrar, while invoking power under Section 77-A declared the document registered as Doc.No.3824/2016, i.e., the document vouching the mortgage by deposit of title deeds, as forged document and directed cancellation of the document creating mortgage. The District Registrar has passed this order without understanding the scope of Section 77-A and without even knowing that the mortgage is always valid in respect of remaining extent of land which was not alienated by the mortgagor.

[b]Similarly, the impugned order in WP[MD].No.8305/2023 is again an order passed by the District Registrar in exercise of his power under Section 77-A of Registration Act. A complaint was filed by a third party alleging that the vendor had fraudulently obtained patta including the property belonged to the complainant's father and that members of complainant's family had not executed any sale deed in respect of property of his father. The allegation is that patta has been obtained fraudulently and on that basis, property had been sold by a registered sale deeds. Therefore,

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it is contended that the registration of subsequent sale deeds are liable to be cancelled under Section 77-A. By the impugned order, the District Registrar cancelled four documents which were registered in the year 2006 and 2007 after holding that the vendor had no title to the property without much discussion.

[c]In **WP.[MD].No.10315/2023**, the order impugned, is again an order of Deputy Inspector General of Registration in an application filed for cancellation of document under Section 68[2] of Registration Act. The Deputy Inspector General of Registration, by the impugned order directed the complainant to go before the District Registrar and file an application under Section 77-A of Registration Act. What is to be noted is that the averments made in the complaint do not warrant an action under Section 77-A of the Act.

[d]The impugned order in WP.[MD].No.13172/2023 is an order passed by the District Registrar dated 03.05.2023 where one K.E.Rajendran has filed an application under Section 77-A to cancel a few set of documents

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which are registered between 2010 and 2015. The case of the petitioner before the District Registrar is that disputed property which is the subject matter of the documents originally belonged to his father late Eswara Iyer and the property was inherited by Thiru.Rajendran and others as co-owners. The respondents by name Tmt.Kuruvammal and Tmt.Kalavathy have sold the property as if the property is their absolute property and thereafter, several sale deeds have been registered and several others have claimed title through the respondents Tmt.Kuruvammal and Tmt.Kalavathy. The petitioner further states that the joint patta issued in the name of petitioner and the mutation of revenue record during UDR confirms the statement of the petitioner. The petition was opposed by several persons who have purchased the property mainly on the ground that the father of petitioner by name Eswara Iyer though purchased the property by sale deed dated 31.08.1946, executed a sale deed in favour of one Ma.Pichai by document dated 06.06.1953 and that therefore, the said Eswara Iyer is no more the owner. The District Registrar in the course of hearing found that the original owner by name Eswara Iyer conveyed only lesser extent of land and therefore, the subsequent documents are all forged. The dispute in this case

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purely revolves around title. There is no averment with regard to forgery of document. The District Registrar cancelled all the fourteen documents only on the ground of forgery even though the specific contention of the petitioner in the complaint is that persons who executed the sale deeds have no title.

92.From a few orders passed under Section 77-A, anyone can understand lack of knowledge and perversity in the approach. Therefore, it would be unwise to delegate the judicial power to the District Registrar to decide the character of any instrument or the property. More so, when the power is also conferred with the Inspector General of Registration to make rules in order to exercise general superintendence over all the Registering Officers within the territories of the State. It is interesting to note that the learned Advocate General has produced before this Court the Master Circular issued in April 2024 in exercise of his power to regulate the enquiry under Section 77-A. Even though Section 22-B confers the power to refuse to register forged document, thereby Section 22-B is confined to registration of forged document, the Inspector General of Registration under this Circular has enlarged the scope of enquiry not only to a document registered

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through impersonation but also to property claimed through forged documents like patta, tax receipt, death certificate, legal heirship certificate etc., and property claimed through previously forged documents. Therefore, the enquiry has now been expanded if tax receipt, death certificate or patta is not found genuine and further, even if the allegation is that one of the previous documents which is shown as parent document is found forged, the District Registrar can entertain an application and pass orders beyond the scope of Section 77-A. It is not known, how forgery of parent document can be examined or concluded by Registrar.

93.In one of the writ appeals, namely, WA.No.794/2023 a challenge is made to the order of the learned Single Judge dismissing the writ petition in WP.No.27031/2018. That was the case where the 3rd respondent in the writ appeal filed a petition before the District Registrar to cancel the Sale Deed executed in favour of the appellant as well as the previous Sale Deeds from 2000 to 2012. When a notice was issued by the District Registrar calling upon the writ petitioner to appear for the enquiry, the said enquiry notice was challenged on the ground that the 3rd respondent had already filed a civil

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suit questioning all the Sale Deeds from 2000 to 2012 for similar relief and a parallel proceedings cannot be maintained by invoking Section 77-A of the Act. The second ground was that the District Registrar does not have jurisdiction to entertain a complaint where fraud is alleged. On the facts, it was further contended that the complaint is not even sustainable in view of the specific language employed in Section 77-A as well as the Circular that was issued by the Inspector General of Registration. With great respect to the learned Single Judge who dismissed the writ petition with an observation that all such contentions can be raised before the District Registrar, the fall out is very serious. Literally in that case, cancellation of registration is sought for only on the ground of fraud by pleading that the executant of the document in 2000 had no title to the property. The observation of the learned Single Judge will now be taken advantage of by the District Registrar who will decide on merits ignoring the limited jurisdiction he has even under Section 77-A. With possible misuse and misinterpretations, especially when guidelines are issued by persons who are not independent and has no trained legal mind, this Court is quite sure that compared to the little good, the impugned provision may do, the irretrievable damage that

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would be caused to *bona fide* purchasers and land owners will be more in view of the position that any property can be litigious by disgruntled elements and land grabbers by creating forged records like in one of the cases referred to above. From the above discussion on this issue and from perusal of the records including the orders of Registrar under Section 77-A in some of the cases and the principles laid down by Hon'ble Supreme Court above referred to, this Court is unable to sustain the impugned provision, particularly, Section 77-A and has no hesitation to strike down Section 77-A for being contrary to the fundamental principle that judicial power to decide substantial rights of the parties involving complicated issues on facts and law resulting in serious legal implications affecting the property rights of parties to the transactions cannot be delegated to executive authorities.

A[6]:-Whether Section 77-A is against the scheme of Registration Act and beyond the object and purpose of

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Registration Act:

Validity of Section 77-A :-

94.As seen from the legislative history of the Registration Act and several precedents of the Hon'ble Supreme Court and this Court on the interpretation of provisions of Registration Act in different context, the object and purpose of Registration Act is to provide a method of public registration of documents so as to give information to the public regarding legal rights and obligations arising or affecting properties. The purpose of registration of instruments under the Act is to create and maintain a public record of transactions relating to immovable properties, on which every person dealing with an immovable property can rely with confidence, for a full and complete account of all transactions.

95.Keeping in mind the principles reiterated by Hon'ble Supreme Court and several other High Courts, this Court has seen that the Registration Act, 1908 is enacted with the intention of providing orderliness, discipline and public notice in regard to transactions relating to immovable

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property. Even if the registered document is lost or destroyed, the registration provides safety and security to transactions relating to immovable property. Registration gives publicity and public exposure to documents thereby preventing fraud and forgeries in transactions. Registration gives solemnity of form and it ensures that every person dealing with immovable property can rely upon the statements contained in Registers maintained under the Registration Act with full confidence and complete account of all transactions by which the title to the property is dealt with and to secure certified copies of documents. However, registration by itself does not create or extinguish title as it is only a procedural law and not a substantive law.

96.Scope of Section 77 of the Registration Act was considered by a Division Bench of this Court as early as in 1933 in ***M.Ramaswami Chettiar Vs. V.Srinivasa Pillai and Others*** reported in ***Vol XXXVIII [1933] LW 1000***. In a suit for compulsory registration of a document executed by first defendant, who appeared before the Registrar and admitted execution, pleaded that plaintiff who had agreed to execute an Agreement to resell if the

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sale amount was repaid within five years, insist to reduce the period to three years. On refusal to register the document for non-appearance of the executant, the suit was filed to enforce registration. It is held by Division Bench that before Registrar, the only question would be whether the document bears the genuine signature of the executant and that the Registrar is bound to register even if the executant states that he signed it believing it to be a different document from what it really is or that he did not know the contents of the document or the nature of the document.

97.Having regard to the objects of the Registration Act explained in several precedents and the provisions of the Principal Act, this Court and Hon'ble Supreme Court has considered the authority and competence of Sub-Registrar under the Registration Act to cancel the document registered in different context. In a few judgments, Courts have also held that such void documents unilaterally cancelling registered Sale Deeds can be cancelled by High Court in a Writ Petition under Article 226 of the Constitution.

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98. A Full Bench of this Court in ***M/s.Latif Estate Line India Ltd. v. Hadeeja Ammal*** reported in ***(2011) 1 LW 673***, allowed the writ petition challenging registration of cancellation of a Sale Deed unilaterally executed by the vendor, following the judgment of Full Bench of this Court in ***Muppudathi Pillai v. Krishnaswami Pillai*** reported in ***AIR 1960 Madras 1.*** The Full Bench elaborately dealt with the issue whether registration of a document in respect of an immovable property can be unilaterally cancelled, and held as follows :

> ***"56.****A Full Bench of the Madras High Court in the case of Muppudathi Pillai Vs. Krishnaswami Pillai, AIR 1960 Madras 1 elaborately discussed the provision of Section 39 (New Section 31) and held:-*
>
> *"12.The principle is that such document though not necessary to be set aside may, if left outstanding, be a source of potential mischief. The jurisdiction under Section 39 is, therefore, a protective or a preventive one. It is not confined to a case of fraud, mistake, undue influence, etc. and as it has been stated it was to prevent a document to remain as a menace and danger to the party against whom under different circumstances it might have operated. A party against whom a claim under a document might be made is not bound to wait till the document is used against him. If that were so he might be in a disadvantageous position if the impugned document is sought to be used after the evidence attending its execution has disappeared. Section 39 embodies the principle by which he is allowed to anticipate the danger and institute a suit to cancel the document and to deliver it up to him. The principle of the relief is the same as in quia timet*

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actions."

57.*There is no dispute that a third party can claim title to the property against the purchaser who purchased the property for valuable consideration and came into possession of the same. But it is the Civil Court of competent jurisdiction to give such declaration in favour of the third party or a stranger.*

58.*It can also not be overlooked or ignored that a unilateral cancellation of a sale deed by registered instrument at the instance of the vendor only encourages fraud and is against public policy. But there are circumstances where a deed of cancellation presented by both the vendor and the purchaser for registration has to be accepted by the Registrar if other mandatory requirements are complied with. Hence, the vendor by the unilateral execution of the cancellation deed cannot annul a registered document duly executed by him as such an act of the vendor is opposed to public policy.*

59.*After giving our anxious consideration on the questions raised in the instant case, we come to the following conclusion: -*

(i) A deed of cancellation of a sale unilaterally executed by the transferor does not create, assign, limit or extinguish any right, title or interest in the property and is of no effect. Such a document does not create any encumbrance in the property already transferred. Hence such a deed of cancellation cannot be accepted for registration.

(ii) Once title to the property is vested in the transferee by the sale of the property, it cannot be divested unto the transferor by execution and registration of a deed of cancellation even with the consent of the parties. The proper course would be to re-convey the property by a deed of conveyance by the transferee in favour of the transferor.

(iii) Where a transfer is effected by way of sale with the condition that title will pass on payment of consideration, and such intention is clear from the recital in the deed, then such instrument or sale

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can be cancelled by a deed of cancellation with the consent of both the parties on the ground of non-payment of consideration. The reason is that in such a sale deed, admittedly, the title remained with the transferor.

(iv) In other cases, a complete and absolute sale can be cancelled at the instance of the transferor only by taking recourse to the Civil Court by obtaining a decree of cancellation of sale deed on the ground inter alia of fraud or any other valid reasons."

99.This Court has consistently held that a complete and absolute sale can be cancelled at the instance of the transferor only by taking recourse to the Civil Court for appropriate relief to set aside the registered documents on the ground of fraud, forgery or other valid grounds. The Full Bench in ***Latif's case [cited supra]*** has held that a writ petition under Article 226 is maintainable, challenging registration of unilateral cancellation of registered Sale Deed.

100.The Hon'ble Supreme Court in ***Thota Ganga Lakshmi and Another Vs. State of Andhra Pradesh and Others*** reported in ***2010 [15] SCC 207*** has held that unilateral cancellation of Sale Deed and registration thereof, are wholly void and *non est.* The appellant before Hon'ble Supreme

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Court purchased a plot in question by a registered Sale Deed from the 4th respondent before Hon'ble Supreme Court. However, the vendor had cancelled Sale Deed unilaterally by executing the Cancellation Deed daetd 04.08.2005 and the same was registered by the Sub Registrar without even issuing notice to the appellants. When the registration of Cancellation Deed was challenged in a writ petition, the same was dismissed by the High Court following the judgment of Full Bench of Andhra Pradesh High Court in ***Yanala Malleshwari Vs. Smt.Ananthula Sayamma*** reported in ***AIR 2007 AP 57 [FB]***. The Hon'ble Supreme Court allowed the appeal.

101.It is pertinent to mention that the Hon'ble Supreme Court has categorically held that unilateral cancellation deed cannot be executed or registered and it is unheard of in law. However, the Hon'ble Supreme Court added further and of course, held that by virtue of Rule 26[k][i] relating to Andhra Pradesh Registration Rules applicable to the State of Andhra Pradesh which was framed in exercise of power under Section 69 of the Act, a Cancellation Deed can be presented only if it is accompanied by a declaration, natural consent or orders of a competent Court annulling the

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transaction contained in the previously registered Deed of Conveyance. The judgment of Hon'ble Supreme Court is also an authority for what it had laid in paragraph No.4 of the judgment without reference to the Rule.

102.In ***Satya Pal Anand Vs. State of Madhya Pradesh and Others*** reported in ***2016 [10] SCC 767***, a Three Member Bench of the Hon'ble Supreme Court considered the maintainability of a writ petition challenging the order passed by the Sub Registrar [Registration] and the Inspector General of Registration, refusing to cancel the registration of an Extinguishment Deed. The facts of the said case is that a plot was allotted to the mother of the appellant before the Hon'ble Supreme Court by Punjabi Housing Cooperative Society Limited [hereinafter referred to as "the Society"]. After the death of the appellant's mother, the Society executed a Deed of Extinguishment unilaterally, cancelling the allotment of the plot in favour of the appellant's mother on the ground that the allottee had violated the bye-laws of the Society by not raising any construction in plot within the time. Thereafter, the Society executed a registered Deed of Conveyance in favour of a third party. The appellant before the Deputy Registrar, before

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the Hon'ble Supreme Court objected to the transaction. Though a Compromise Deed was executed and the appellant received a sum of Rs.4.5 lakhs towards consideration, he raised a dispute before the Deputy Registrar in terms of Section 64 of the Madhya Pradesh Cooperative Societies Act, 1960. The appellant challenged the unilateral cancellation of the original allotment under the Extinguishment Deed and allotting the same to the third party. He prayed for a declaration that he continues to be the owner of the plot, having inherited the same from his mother. The third party in favour of whom the plot was re-allotted, conveyed the plot under a registered Deed subsequently. Thereafter, the appellant filed an application before the Sub Registrar under the Registration Act, to cancel the registration of Extinguishment Deed and the subsequent Sale Deeds in respect of the same plot. The Sub Registrar rejected the application of the appellant not only on the ground that the appellant had raised a dispute before the Deputy Registrar, but also on the ground that he had no jurisdiction to cancel the registration of a registered document, namely, the Deed of Extinguishment. The appellant thereafter, challenged the order of the Sub Registrar in a writ petition with a prayer for declaration that the Extinguishment Deed as well

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as the subsequent two Sale Deeds are void and for a consequential direction to the Inspector General of Registration and the Sub Registrar to record the cancellation of those documents. The writ petition was dismissed by the Division Bench of Madhya Pradesh High Court primarily on the ground that the appellant had already resorted to a remedy before the Deputy Registrar which is pending and that the prayer for declaration can be considered only in the proceedings pending before the Deputy Registrar after recording evidence. In sum and substance, the dismissal of the writ petition was mainly on the ground that the appellant had an effective alternative remedy before a competent Forum which he had already availed. Incidentally, the High Court also relied upon some of the judgments of the other High Courts to hold that the provisions of Registration Act does not confer any right to cancel the registered document and that allegations of fraud cannot be adjudicated by the High Court in a writ petition, as the same can be adjudicated only before the Civil Court under the Common Law. When the order of High Court was examined by a Two Member Bench of the Hon'ble Supreme Court, His Lordship DIPAK MISRA, J., opined that the High Court did not commit any error in dismissing the writ petition holding that the

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decision, taking a contrary view in ***Thota Ganga Laxmi Vs. State of Andhra Pradesh*** reported in ***2010 [10] SCC 207***, is distinguishable as there is no prohibition to register a document of cancellation of a Deed of Extinguishment since the power under Section 35 of the Registration Act cannot be construed to confer a quasi-judicial power on the Registering Authority. Since His Lordship found it difficult to agree with the general principle in ***Thota Ganga Laxmi's case [cited supra]***, opined that the general observation in ***Thota Ganga Laxmi's case*** requires reconsideration by a Larger Bench. However, His Lordship V.GOPALA GOWDA, J., preferred to follow the exposition of law in ***Thota Ganga Laxmi's case*** on the ground that unilateral cancellation of allotment of the plot by the registered instrument is not permitted under the Registration Act. Referring to several decisions of the Hon'ble Supreme Court and the guarantee given under Article 300-A of the Constitution of India, His Lordship V.GOPALA GOWDA, J., held that the judgment of the Division Bench of Madhya Pradesh High Court is liable to be set aside. Further directions were also issued. In view of difference of opinion between the Two Hon'ble Judges of Hon'ble Supreme Court, the appeal was then placed before a Three Member

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Bench in terms of an order of Reference.

103.The Larger Bench, referring to the arguments, formulated the following questions:-

> ***"23.1.*** *"(a) Whether in the fact situation of the present case, the High Court was justified in dismissing the writ petition?*
>
> ***23.2.*** *(b) Whether the High Court in exercise of writ jurisdiction under Article 226 of the Constitution of India is duty-bound to declare the registered deeds (between the private parties) as void ab initio and to cancel the same, especially when the aggrieved party (appellant) has already resorted to an alternative efficacious remedy under Section 64 of the 1960 Act before the competent forum whilst questioning the action of the Society in cancelling the allotment of the subject plot in favour of the original allottee and unilateral execution of an extinguishment deed for that purpose?*
>
> ***23.3.*** *(c) Even if the High Court is endowed with a wide power including to examine the validity of the registered extinguishment deed and the subsequent registered deeds, should it foreclose the issues which involve disputed questions of fact and germane for adjudication by the competent forum under the 1960 Act?*
>
> ***23.4.*** *(d) Whether the Sub-Registrar*

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(Registration) has authority to cancel the registration of any document including an extinguishment deed after it is registered? Similarly, whether the Inspector General (Registration) can cancel the registration of extinguishment deed in exercise of powers under Section 69 of the 1908 Act?

***23.5.** (e) Whether the Sub-Registrar (Registration) had no authority to register the extinguishment deed dated 9-8-2001, unilaterally presented by the respondent Society for registration?*

***23.6.** (f) Whether the dictum **in Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063]** is with reference to the express statutory Rule framed by the State of Andhra Pradesh or is a general proposition of law applicable even to the State of Madhya Pradesh, in absence of an express provision in that regard?"*

104.The Hon'ble Supreme Court held that no fault can be found in the judgment of the Madhya Pradesh High Court in refusing to exercise its writ jurisdiction because the appellant has an effective and efficacious alternative remedy. It further held that when issues involving disputed questions of fact arise for consideration, the Deputy Registrar of Cooperative Societies is the competent Forum. On the peculiar facts and circumstances of the case, the

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Hon'ble Supreme Court held that it would not be appropriate to delve upon other issues regarding the merits of the controversy which have to be adjudicated by the competent Forum. Referring to Sections 32, 34, 35 and 36 of the Registration Act, the Hon'ble Supreme Court held that if the conditions contained in Sections 17 and 18 of the Registration Act are fulfilled, the Registering Officer is bound to register the document. It was further held that only in situations mentioned in Sections 19 to 22 and 32 to 35, the Registering Officer can refuse to register a document and that the aggrieved party can challenge the registration and validity of the document only before the Civil Court. It is also held that Section 35 of the Act does not confer a quasi judicial power on the Registering Authority as he cannot decide as to whether the executant of a document presented for registration is having title, as mentioned in the instrument. Even refusal to register the Extinguishment Deed was held impermissible under the Registration Act as there is no requirement for the presence of other party to the Extinguishment Deed. It was also held that the dictum in ***Thota Ganga Laxmi's case*** cannot have universal application to all the States as its applicability is limited to the State of Andhra Pradesh. The following paragraphs of the

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judgment would highlight the *ratio decidendi* of the judgment:-

> ***45.*** *The moot question in this case is : whether the action of the Society to cancel the allotment of the plot followed by execution of an extinguishment deed was a just action? That will have to be considered keeping in mind the provisions of the 1960 Act and the bye-laws of the Society which are binding on the members of the Society. The interplay of the provisions of the Contract Act and the Specific Relief Act and of the Cooperative Laws and the bye-laws of the Society permitting cancellation of allotment of plot or the membership of the member concerned will have to be considered in appropriate proceedings. Whether the decision of the Society to cancel the allotment of plot made in favour of its member is barred by the law of the Limitation Act, is again a matter to be tested in the proceedings before the cooperative forum where a dispute has been filed by the appellant, if the appellant pursues that contention.*
>
> ***46.*** *In our considered view, the decision in* ***Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063]*** *was dealing with an express provision, as applicable to the State of Andhra Pradesh and in particular with regard to the registration of an extinguishment deed. In absence of such an express provision, in other State legislations, the Registering Officer would be governed by the provisions in the 1908 Act. Going by the said provisions, there is nothing to indicate that the Registering Officer is required to undertake a quasi-judicial enquiry regarding the veracity of the factual position stated in*

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the document presented for registration or its legality, if the tenor of the document suggests that it requires to be registered. The validity of such registered document can, indeed, be put in issue before a court of competent jurisdiction.

47. *In the present case, the document in question no doubt is termed as an extinguishment deed. However, in effect, it is manifestation of the decision of the Society to cancel the allotment of the subject plot given to its member due to non-fulfilment of the obligation by the member concerned. The subject document is linked to the decision of the Society to cancel the membership of the allottee of the plot given to him/her by the Housing Society. In other words, it is the decision of the Society, which the Society is entitled to exercise within the framework of the governing cooperative laws and the bye-laws which are binding on the members of the Society. The case of* ***Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063] ,*** *besides the fact that it was dealing with an express provision contained in the statutory Rule, namely, Rule 26(k)(i) of the Andhra Pradesh Registration Rules, 1960, was also not a case of a deed for cancellation of allotment of plot by the Housing Society. But, of a cancellation of the registered sale deed executed between private parties, which was sought to be cancelled unilaterally. Even for the latter reason the exposition in* ***Thota Ganga Laxmi [Thota Ganga Laxmi v. State of A.P., (2010) 15 SCC 207 : (2013) 1 SCC (Civ) 1063]*** *will have no application to the fact situation of the present case."*

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105.The Larger Bench of Hon'ble Supreme Court laid an emphasis that the judgment of Hon'ble Supreme Court in ***Thota Ganga Laxmi*** is applicable only to the State of Andhra Pradesh in view of specific Rule namely, Rule 26[k][i] of Andhra Pradesh Registration Rules, 1960. The judgment of Hon'ble Supreme Court in ***Satya Pal Anand case*** is an authority for the proposition that the Sub Registrar has no power under the Registration Act to refuse to register any document including the unilateral cancellation of Deed of Conveyance. Further, it is stressed in ***Satya Pal's case*** that no writ petition will lie challenging the unilateral cancellation of a Deed of Conveyance and the parties can challenge even such unilateral cancellation of registered instrument only before the Civil Court.

106.In ***Asset Reconstruction Company [India] Limited Vs. S.P.Velayutham and Others*** reported in ***2022 [8] SCC 210,*** the Hon'ble Supreme Court examined the validity of registration of a document of sale through Power of Attorney. A writ petition was filed by the appellant before the High Court to declare the act of the Sub Registrar in registering the Sale Deed executed by the Power of Attorney agent in favour of his son and

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daughter as null and void. Finding that the Power of Attorney Deed does not authorise the Power Agent to sell or encumber the property conveyed, the writ petition was allowed holding that there was failure on the part of the Registering Authority to follow the procedure prescribed under Sections 32 to 35 of the Registration Act. Though the appeal filed by the Power of Attorney Agent was allowed, on further appeal, the Hon'ble Supreme Court upheld the maintainability of the writ petition and restored the order of the learned Single Judge allowing the writ petition. The Hon'ble Supreme Court though held that the power to declare a document as null and void is within the exclusive domain of the Civil Court, observed that the High Court can still examine the question whether or not the Registering Authority performed his statutory duties in the manner prescribed by law while registering the document. It was held that it is within the jurisdiction of the High Court under Article 226 to examine whether the Registering Authority had acted in the manner as required in law while performing his statutory function. Even though Hon'ble Supreme Court in ***S.P.Velayutham's case [cited supra]*** referred to the judgment in ***Satyapal Anand's case,*** the Hon'ble Supreme Court observed that the decision in ***Satyapal Anand's case***

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cannot be followed for the simple reason that the writ petitioner in that case, had accepted a compromise and then raised a dispute under the Cooperative Societies Act and thereafter, approached the High Court under Article 226 for a declaration which he could have sought only in the proceedings already instituted. The Hon'ble Supreme Court therefore held in favour of entertaining a writ petition. It was observed that even if the Registering Authority is performing only an administrative act, the High Court is empowered to see whether the Sub Registrar performs the duties statutorily ordered upon him in the manner prescribed by law.

107.No doubt, the Act contemplates quasi-judicial function by the Registering Officer when he refuse to register a document under Section 71 of the Registration Act. Under the following circumstances, the Sub Registrar can refuse to register a document:

(a) When execution of the document is denied by the executant.

(b) When the property is not situated within the jurisdiction of the Sub Registrar.

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(c) When the instrument or document falls under Section 22A or Section 22B after the 2022 Amendment.

(d) When the procedure contemplated under the Act is not complied in toto.

(e) When the executant of the document is not a person who can derive right under the previous Deed registered.

108.The scope of Sections 35 and 72 to 76 of the Registration Act was considered by Hon'ble Supreme Court in the case of ***Veena Singh [dead] through LRs Vs. The District Registrar / Additional Collector and Another*** reported in ***2022 [7] SCC 1.*** The Hon'ble Supreme Court distinguished the judgment of co-equal Bench in ***Satyapal Anand's case [2016 [10] SCC 767]*** to uphold the maintainability of the writ petition which was ultimately dismissed by the High Court following the judgment of the Hon'ble Supreme Court in ***Satyapal Anand's case.*** The appellant before the Hon'ble Supreme Court jointly owned a vacant land along with his daughter and son. The son and daughter of the appellant executed a Power

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of Attorney Deed on 17.04.2010 in favour of the appellant and the same was later cancelled on 27.09.2011. A Sale Deed executed by the appellant in favour of the Developer was presented for registration on 15.12.2011. However, the appellant raised an objection for registering the document alleging fraud against the Developer in getting her signature in an incomplete Sale Deed dated 20.06.2011. As against the order of Sub Registrar declining to register the Sale Deed after recording the statement of the appellant, the Developer preferred an appeal under Section 72 of the Registration Act before the District Registrar to set aside the Sub Registrar's decision and order registration of the Sale Deed. The District Registrar directed registration of documents as execution is not denied. The appellant filed a writ petition challenging the order of the District Registrar. Though the same was dismissed by the Writ Court following the judgment of Hon'ble Supreme Court in ***Satyapal Anand's case,*** the Hon'ble Supreme Court elaborately considering the scope and object of provisions under Sections 72 to 76 of the Act, has held in paragraphs No.92 to 95 as follows:-

> ***"92.*** *The plea of the appellant, that the purported sale deed though signed by her was procured by fraud and undue influence, was a matter which raised a serious*

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substantive dispute. In support of her contentions, the appellant has also adduced before us the inspection report by the Sub-Registrar and the Naib Tahsildar. However, we are inclined to hold that we cannot decide on the merits of the dispute at this stage, since the Registrar clearly exceeded his jurisdiction by adjudicating on the issue of fraud and undue influence.

93. *The Registrar purported to exercise the powers conferred under Section 74 and arrived at a finding that the sale deed had been duly signed by the appellant and was therefore liable to be registered. However, the objections of the appellant raised serious issues of a triable nature which could only have been addressed before and adjudicated upon by a court of competent civil jurisdiction. As a matter of fact, during the course of the hearing, this Court has been apprised of the fact that in respect of the remaining area of 1000 sq m in the front portion of the land, a suit for specific performance [Original Suit No. 568 of 2014.] has been instituted by the second respondent, resulting in a decree for specific performance dated 16-11-2018. As regards the subject-matter of the sale deed, the second respondent has instituted a suit for possession before the Civil Judge, Senior Division, Fast Track Court [Suit No. 264 of 2016.] , where certain proceedings are pending. In this view of the matter, we are clearly of the opinion that the Registrar in the present case acted contrary to law by directing the sale deed to be registered.*

94. *In the impugned judgment [Veena Singh v. Collector, 2018 SCC OnLine All 6299] , the Single Judge of the Allahabad High Court has observed that registration does not depend upon the consent of the executant but on the Registrar's finding that the executant had actually signed the document. The High Court held that having found in the course of the enquiry that the sale*

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deed was duly prepared by a scribe, that the attesting witness had stated that the sale deed was signed by the appellant and she also placed her fingerprints in their presence, it was open to the Registrar to direct registration in spite of a denial of its execution by the appellant. In doing so, the Single Judge of the High Court has, with respect, conflated the mere signing of the sale deed with its execution. For the reasons mentioned earlier in this judgment, such an approach is completely erroneous and cannot be upheld.

95. *For the above reasons, we allow the appeal and set aside the impugned judgment and order of the Single Judge of the High Court of Judicature at Allahabad dated 31-5-2018 [Veena Singh v. Collector, 2018 SCC OnLine All 6299] in the appellant's writ petition. The order passed by the District Registrar on 31-3-2012 shall, in the circumstances, stand set aside. However, it is clarified that the present judgment shall not affect any of the civil/criminal proceedings that are pending in respect of the subject-matter of the transaction. In the circumstances of the case, there shall be no order as to costs."*

109.On a careful reading of the judgment, the Hon'ble Supreme Court in ***Veena Singh's case [2022 [7] SCC 1] [cited supra]***, analysed whether the order passed by the District Registrar directing registration of the Sale Deed is valid. The Hon'ble Supreme Court while considering admission of "execution", has accepted the law reiterated in various pronouncements that the Registering Officer cannot take any decision as to the legality and

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validity of an instrument which has been presented for registration. However, the Hon'ble Supreme Court accepted the principle that in an enquiry as to the admission of execution, if the plea taken by the executant before the Registering Officer, if found true, would invalidate the Deed, the Registering Officer has authority to hold that there is no "admission". The decision in ***Satyapal Anand case*** regarding maintainability of the writ petition was distinguished in ***Veena Singh case***. Though in ***Satyapal Anand case***, the Hon'ble Supreme Court held that even Inspector General of Registration has no power to cancel registration of any document which has already been registered and observed that Section 35 of the Registration Act does not convey a quasi-judicial power on the Registering Officer who is not expected to evaluate title or irregularity in the document. In ***Veena Singh case***, the Hon'ble Supreme Court observed that the decision in ***Satyapal Anand case*** does not deal with a situation as in ***Veena Singh case*** where Sub Registrar had in first instance, declined to order registration of document and the Registrar had reversed the order only on the basis of the statement of scribe and the factum of execution by admitting the signature where the executant raised specific issues regarding identity of the property

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to be sold as per the Agreement and the purported Sale deed was in respect of existing land and that the consideration payable under the terms of transaction had not been received by the executant. With reference to several other facts, the Hon'ble Supreme Court held that the Registrar acted contrary to law by directing the sale deed to be registered and hence, a writ petition is maintainable. Therefore, the Hon'ble Supreme Court in several cases, has examined the power of Sub Registrar or Registrar under the Act and had upheld the maintainability of the writ petition whenever the Registering authority acted in derogation or contrary to the power conferred on them under the Registration Act or failed to perform his duty as entertained under law. In all the case laws referred to in this judgment, the Hon'ble Supreme Court and this Court have acknowledged the view that it is not within the power of Sub Registrar or Registrar to hold an enquiry as to the rights of the executant.

110.A Full Bench of this Court, again in ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector and Others*** reported in ***AIR 2022 MAD 323,*** to which, one of us is a party, has laid down the following

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propositions:-

*"**44**.From the discussions and conclusions we have reached above with reference to various provisions of Statutes and precedents, we reiterate the dictum of Hon'ble Supreme Court in Thota Ganga Laxmi and Ors.-vs Government of Andhra Pradesh & Ors., reported in (2010) 15 SCC 207 and the Full Bench of this Court in Latif Estate Line India Ltd., case, reported in AIR 2011(Mad) 66 and inclined to follow the judgment of three member Bench of Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1 and the judgment of two member Bench of Hon'ble Supreme Court in Asset Reconstruction Company (India) Ltd., case, reported in 2022 SCC On-line SC 544 for the following propositions:*

(a)A sale deed or a deed of conveyance other than testamentary dispositions which is executed and registered cannot be unilaterally cancelled.

(b)Such unilateral cancellation of sale deed or a deed of conveyance is wholly void and non est and does not operate to execute, assign, limit or extinguish any right, title or interest in the property.

(c)Such unilateral cancellation of sale deed or deed of conveyance cannot be accepted for registration.

(d)The transferee or any one claiming under him or her need not approach the civil Court and a Writ Petition is maintainable to challenge or nullify the registration.

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(e)However, an absolute deed of sale or deed of conveyance which is duly executed by the transferor may be cancelled by the Civil Court at the instance of transferor as contemplated under Section 31 of Specific Relief Act.

(f)As regards gift or settlement deed, a deed of revocation or cancellation is permissible only in a case which fall under Section 126 of Transfer of Property Act, and the Registering Authority can accept the deed of cancellation of gift for registration subject to the conditions specified in para 42 of this judgment.

(g)The legal principles above stated by us cannot be applied to cancellation of Wills or power of Attorney deed which are revocable and not coupled with interest."

111.In ***Sasikala's case [cited supra],*** the Full Bench considered the scope and object of Registration Act and certain principles, including the legal implication of transfer. Full Bench held that the Registering Authority has no power to accept cancellation of registered documents for registration under Registration Act. In other words, this judgment can be understood that the Sub Registrar has no authority to nullify the transaction which is beyond his power under Registration Act.

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112.In ***E.R.Kalaivan Vs. The Inspector General of Registration and Others*** reported in ***2009 [4] CTC 618,*** a Division Bench of this Court has held as follows:-

> *"**12.** In this content, we may also refer to Section 32-A of the Indian Registration Act providing that all such deeds shall be signed by the vendor as well as the purchaser and the same shall also bear the finger prints and photographs. Section 34 of the Act also needs a reference, whereby the Registering Authority is mandated to hold an enquiry in respect of the validity of the document presented for registration. Having regard to the above provisions, in our opinion, a registered sale deed, if sought to be cancelled, registration of such deed must be at the instance of both the parties viz., bilaterally and not unilaterally. Section 34-A of the Act, whereby the Registering Authority is to enquire whether or not such document was executed by the persons by whom it purports to have been executed. A sale is essentially an executed contract between two parties on mutal agreed conditions. Question is as to whether such contract can be unilaterally rescinded, particularly, in a case of sale deed. In this context, we may refer to Section 62 of the Indian Contract Act, 1872 which provides that contract which need not be performed. By that provision, any novation, rescission and alteration of a contract can be made only bilaterally. A deed of cancellation will amount to rescission of contract and if the issue in question is viewed from the application of Section 62 of the Indian Contract Act, any rescission must be only bilaterally. See City Bank N.A. v. Standard Chartered Bank and others, 2004 (2) CTC 374 (SC): 2004 (1) SCC 12."*

113.If Section 77-A is held to be valid, the inference anyone has to

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draw is that Registration Act is also meant for invalidating transactions in a few circumstances as Section 77-A confers a special power on the District Registrar to cancel registration of any document if registration is in contravention of Section 22-A or Section 22-B. When we carefully analyse every judgment above referred, the above judgments are based on several precedents, on the analysis of legal principles and scope and ambit of the Registration Act as well as on the interpretations of provisions of Registration Act.

114.By interpreting the provision of Registration Act, and applying general principles, the Hon'ble Supreme Court and this Court in the absence of Sections 22-A, 22-B and 77-A of Registration Act has uniformly reiterated the position that unilateral cancellation of a registered document which will render the document invalid is outside the purview of Registration Act as Registration Act does not control transaction and hence, cannot be done by the Registering Officer and that cancellation of any document can be done only by Civil Court.

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115.After the reading of Section 34 of the Act and Rule 55 of the Rules framed under the Registration Act, there is no power to the Registering Officer to enquire into the question of title or validity of a document brought to him for registration. Rule 55 framed already by the State prohibits an enquiry by the Registering Authority where the executing party has no right to execute the document and the jurisdiction of the Registering Authority is limited to find out only the identity of the party who execute the document to rule out impersonation and to consider objections to prevent impersonation and forgery. However, after the introduction of Section 22-A, the Registrar can hold enquiry and refuse to register documents in respect of properties :

(a) belonging to State Government or local authority or CMDA;

(b) belonging to religious institutions or institutions to which Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

(c) properties donated for Bhoodan Yagna;

(d) properties of Wakf; and

(e) documents relating to transfer of ownership of lands converted as house sites without permission for development of such land from

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planning authority.

116.Similarly, Section 22-B authorises the Registering Officer to refuse to register :

(a) forged document and documents relating to transaction which is prohibited by Central or State Act;

(b) deed of conveyance in relation to immovable property which is attached permanently or provisionally under any State or Central Act by a competent authority.

117.Section 77-A confers power on the Registrar either on his own or on a complaint received from a person, to cancel the registration of a document and make necessary entries in the relevant books and indexes if he is of the opinion that the registration of the document is made in contravention of Section 22-A or Section 22-B. Concurrent power is also given to the Inspector General of Registration.

118.In the case of ***State of Rajasthan and Others Vs. Basant Nahata***

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reported in ***2005 [12] SCC 77,*** the Hon'ble Supreme Court considered the constitutional validity of Section 22-A which was introduced by the State of Rajasthan by an amendment in the year 1976. Section 22A enables the Government by a Notification to declare any registration of any document or class of documents as opposed to public policy. The Registering Officer shall refuse to register any document to which a Notification issued by States is applicable. By a Notification, the Power of Attorney authorising the attorney to transfer any immovable property for a term in excess of six months or irrevocable or when the term is not mentioned, is declared to be opposed to public policy. The Hon'ble Supreme Court examined the words "public policy" and "opposed to public policy" with reference to Section 23 of the Contract Act and other legislations. After referring to several precedents on the interpretation of statute, the provisions and objects and purposes of Registration Act, the Hon'ble Supreme Court has held as follows:-

> ***"57.*** *Hence, Section 22-A of the Act through a subordinate legislation cannot control the transactions which fall out of the scope thereof. "*

119.In the above judgment, Hon'ble Supreme Court has observed that the

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Registration Act only strikes out the documents and not the transactions. It is also held that the aim of the Act is to govern documents and not the transactions embodied therein. Section 77-A confers the power to Registrar to cancel the registration. Cancellation of registration renders the document as such, invalid if it is required to be registered under the substantive law. If the object of the Act is to control the documents and not the transactions, the power to cancel registration which affects the right of parties to the transaction, is beyond the scope of Registration Act. The Hon'ble Supreme Court has struck down Section 22-A of the Act which was different earlier and has held that the State Amenment cannot control the transaction which fall outside the scope of Registration Act. While accepting the document for registration, the Registering Officer does not recognise the title of executant. Registration is a formality to complete the transfer of conveyance between two parties. Merely because document of conveyance is registered, the purchaser will not get title if the document of conveyance is not executed by the person who has title. The title of real owner is not affected merely because a deed conveyance executed by a third party is registered.

120.When Section 22-A of the Act as it existed originally was struck down for the reason that the said provision by way of amendment cannot control the

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transaction which fall out of the scope thereof, this Court has to necessarily hold that even Section 77-A which is intended to cancel the transaction cannot be considered to be within the purview of Registration Act.

121.In ***Ramakrishna Reddy Vs. Sub Registrar, [AIR 2000 Kar 46],*** the Karnataka High Court held that the Registering Officer has no power or authority to modify or delete any entries made in Book – I or in the Indexes relating to Book No.1, by holding an enquiry relating to the validity of the documents. Consequently, he cannot delete or modify any entry made in an Encumbrance Certificate unless it is required due to clerical error. It is further held that the encumbrance certificate or NIL encumbrance certificate is not a document of title or document affecting title to a property. It is relevant to extract paragraph No.10 of the judgment which reads as follows:-

> *"**10.** In view of the above, when a person who claims to be the owner or a person interested in an immovable property, finds that some one else has executed and registered a sale deed or other deed in regard to his property, claiming to be the owner or a person interested in the property, the appropriate course for him is to file a suit for deblaration and consequential reliefs. If he is satisfied such sale deed is executed by a person without any title and that the deed is void ab initio, he may even choose to ignore the same and leave it to the person claiming title*

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under such deed to establish his title in appropriate proceedings. A Court of Law has the jurisdiction to declare a document to be void or even cancel a document. But under no circumstances, a person claiming to be the owner of a property or a holder of a property, can require the Registering Authority to cancel the registration of a document or to cancel the entry made in Book No. 1 in regard a to registered document or to delete or remove the entry made in the indexes relating to Book No. 1. The Registering Officer has no such power. Consequently, the question of the Registering Officer deleting any entry either from the Indexes of Book No. 1 or the extracts therefrom contained in the Encumbrance Certificate by holding transaction covered by a registered instrument is illegal or void, does not arise. "

122.The registration of a document gives solemnity of form and gives legal status to the document not under the Registration Act but under the substantive law, namely Transfer of Property Act or any other substantive law which requires the document compulsorily registerable. It is the duty of the Registering Officer to register the deed when the person executing a document admits execution and it is well settled that the Registering Officer has no power to refuse registration of any other ground except for non-compliance of a few formalities. It is also settled that mere registration of a

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document is not by itself proof of execution. Registration is only a piece of evidence of execution. Registration does not prevent a party from bringing a suit for declaration that his signature is a forgery or obtained by fraud and misrepresentation. Even in a statutory suit under Section 77, the Court will not go into any other issue than execution. In other words, if a person admits his signature to a document, the Court will not examine whether the signature was obtained by fraud or misrepresentation or that the transaction is vitiated by any other law.

123.Registration cannot confer validity upon an instrument which is *ultra vires,* illegal or fraudulent. In ***K.Panchapagesa Ayyar Vs. K.Kalyanasundaram Ayyar [AIR 1957 Mad 472]***, a Division Bench of this Court has held as follows:-

> ***"25.*** *The Indian Registration Act unlike the Transfer of Property Act strikes only at documents' and not at transactions. As the Privy Council has pointed in M.E. Moolla & Sons Ltd. v. Officid Assignee, Rangoon, ILR 14 Rang 400 : (AIR 1936 PC 230) (C), "the provisions of the Registration Act by themselves would not operate to render invalid a mere oral sale." In the same way the Indian Registration Act does not require that a transaction affecting*

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immovable properties should be carried out by a registered instrument. "

124.The Registration Act, unlike the Transfer of Property Act, strikes only at documents and not at transactions. If we consolidate all the judgments of this Court and Hon'ble Supreme Court on the object of Registration Act, the only answer we get is that Registration Act is not a substantive law and it is procedural law dealing with the formalities to be observed while registering various types of documents. However, quite contrary to the understanding of Hon'ble Supreme Court and this Court in several precedents, the State Government has understood the scope of Registration Act to prevent fraud by conferring power to Registering Officer to refuse to register certain documents and to cancel registration of documents if the District Registrar is of the opinion that Registering Officer has registered instruments in contravention of Section 22-A and Section 22-B of the Act.

125.In ***State of Gujarat and Another Vs. Raman Lal Keshav Lal and Others [1983 [2] SCC 33],*** the Hon'ble Supreme Court held that the

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amendment introduced to Gujarat Panchayats Act, which is contrary to the object of the Principal Act, i.e., democratic decentralisation of power and consequent reorganization of the administration of local Government, is unconstitutional.

126.For the foregoing reasons, this Court is of the opinion that the amendment introducing Section 77-A is beyond the scope, purpose and object of Registration Act and hence, unconstitutional.

[B]:Whether Section 77-A and Section 77-B can be read down to save them from constitutional invalidity?

127.Mr.Srinath Sridevan, learned Senior Counsel, Mr.R.Ravikumar and a few other counsels submitted that Section 77-A and Section 77-B are unconstitutional for excessive delegation but the provision namely Section 77-A can be interpreted or read down in a manner so that it is not ultra vires. Many of the counsels who have not challenged Section 77-A made their submissions to the effect that Section 77-A should be read down to save the

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impugned provision from vice of constitutional invalidity. Some of the counsels appearing for the petitioners relied upon the judgment of Hon'ble Supreme Court in ***Kedar Nath Singh Vs. State of Bihar*** reported in ***1962 SCC Online SC 6.*** The Hon'ble Supreme Court in the said judgment considered certain principles on the interpretation of statutory provisions. The Hon'ble Supreme Court observed that the Court would lean in favour of the construction which would now make the statutory provision consistent with the constitution particularly, when the other interpretation would render the provision unconstitutional.

128.The Hon'ble Supreme Court in the said judgment also held that in interpreting any enactment, the Court should have regard not merely to the literal meaning of the words used, but also take into consideration the antecedent history of the legislation, its purpose and mischief it seeks to suppress. Hon'ble Supreme Court while considering the question whether Section 124-A and 505 of IPC become unconstitutional in view of Article 19[1][a] of the Constitution, observed that any law which is enacted in the interest of public order may be saved from the vice of constitutional

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invalidity and construed the provisions of the Sections impugned by limiting their application to acts involving intention or tendency to create disorder of disturbance of law and order or incitement to violence.

129.In ***Arun Kumar and Others Vs. Union of India and Others*** reported in ***2007 [1] SCC 732,*** Hon'ble Supreme Court considered the validity of Rule 3 of Income Tax Rules, 1962, as amended by the Income Tax [Twenty Second] Amendment Rules, 2001, amending the method of computation, valuation of perquisites under Section 17[2] of the Income Tax Act, 1961. The Hon'ble Supreme Court observed in paragraph No.61 as follows:-

> ***61.*** *But it is equally well settled that if the provision of law is explicitly clear, language unambiguous and interpretation leaves no room for more than one construction, it has to be read as it is. In that case, the provision of law has to be tested on the touchstone of the relevant provisions of law or of the Constitution and it is not open to a court to invoke the doctrine of "reading down" with a view to save the statute from declaring it ultra vires by carrying it to*

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the point of "perverting the purposes of the statute."

130.The Hon'ble Supreme Court, in ***Delhi Transport Corporation Vs. D.T.C. Mazdoor Congress and Others*** reported in ***AIR 1991 SC 101,*** considered the scope of "reading down" and when it is permissible. In paragraphs No.329 and 332, it is held as follows:-

> *"329. I am, therefore, inclined to hold that the courts though, have no power to amend the law by process of interpretation, but do have power to mend it so as to be in conformity with the intendment of the legislature. Doctrine of reading down is one of the principles of interpretation of statute in that process. But when the offending language used by the legislature is clear, precise and unambiguous, violating the relevant provisions in the Constitution, resort cannot be had to the doctrine of reading down to blow life into the void law to save it from unconstitutionality or to confer jurisdiction on the legislature. Similarly it cannot be taken aid of to emasculate the precise, explicit, clear and unambiguous language to confer arbitrary, unbridled and uncanalised power on an employer which is a negation to just, fair and reasonable procedure envisaged under Articles 14 and 21 of the Constitution and to direct the authorities to record reasons, (sic) unknown or unintended procedure, in the manner argued by the learned counsel for the appellants.*
>
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332.....Therefore, I hold that conferment of power with wide discretion without any guidelines, without any just, fair or reasonable procedure is constitutionally anathema to Articles 14, 16(1), 19(1)(g) and 21 of the Constitution. Doctrine of reading down cannot be extended to such a situation."

131.In ***Tube Investments of India Limited and Others Vs. Assistant Commissioner of Income Tax,*** reported in ***2009 [185] Taxman 438 Mad,*** a Division Bench of this Court has considered the constitutional validity of Section 40[a][ia] of the Income Tax Act. In the context of examining the constitutional validity of the statute, this Court observed that Doctrine of Reading Down can be resorted to give the statute a rational meaning in order to make it constitutionally valid without incorporating any additional words into the statutory provision. In other words, it is held that under the guise of reading down a provision nothing can be supplemented. It is also held that, where literal interpretation leads to absurd, the language of the statute can be modified to avoid absurdity, if it is reasonably possible to read down. However, it is also held that while applying the doctrine of reading down, no additional words can be read into a statutory order which would transgress

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the limits of such order or the scheme. In paragraph No.111 of the said judgment, it is held that under the guise of reading down a provision, nothing can be supplemented.

132.In ***Calcutta Gujarati Education Society Vs. Calcutta Municipal Corporation [2003 [10] SCC 533],*** the Hon'ble Supreme Court has held as follows:-

> *"35.The rule of 'reading down' a provision of law is now well recognised. It is a rule of harmonious construction in a different name. It is resorted to smoothen the crudities or ironing out the creases found in a statute to make it workable. In the garb of 'reading down', however, it is not open to read words and expressions not found in it and thus venture into a kind of judicial legislation. The rule of reading down is to be used for the limited purpose of making a particular provision workable and to bring it in harmony with other provisions of the statute. It is to be used keeping in view the scheme of the statute and to fulfil its purposes."*

133.In the case of ***Yogendra Kumar Jaiswal and Others Vs. State of***

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Bihar and Others reported in ***2016 [3] SCC 183,*** Hon'ble Supreme Court, after following the principles laid down in ***Delhi Transport Corporation case [cited supra] and Suresh Kumar Koushal Vs. Naz Foundation [2014 [1] SCC 1]*** and ***Calcutta Gujarati Education Society Vs. Calcutta Municipal Corporation [2003 [10] SCC 533,*** held that by applying the Doctrine of Reading Down, there can be no distortion. In other words, the doctrine cannot be applied to read the provisions quite contrary to what it convey by its plain language.

134.The learned Advocate General relied upon the judgment of Hon'ble Supreme Court in ***C.B.Gautam Vs. Union of India and Others*** reported in ***1993 [1] SCC 78.*** The Hon'ble Supreme Court has held as follows:-

> ***"36.*** *It was submitted by learned Attorney General that the provisions of sub-section (1) of Section 269-UD might be read down so as to mean that the property compulsorily purchased under an order made under Section 269-UD(1) would vest in the Central Government subject to bona fide encumbrances and leasehold interests subsisting thereon other than monthly tenancies. It was urged by*

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him that in a pre-emptive purchase normally what would be purchased is only that which was put up for sale or sold and, if the same principle was applied to the compulsory purchase by the Central Government under Section 269-UD, the rights of the encumbrance holders and the holders of leasehold interests subject to which the property was agreed to be sold could be protected. We agree that in order to save a statute or a part thereof from being struck down it can be suitably read down. But such reading down is not permissible where it is negatived by the express language of the statute. Reading down is not permissible in such a manner as would fly in the face of the express terms of the statutory provisions. In view of the express provision in Section 269-UE that the property purchased would vest in the Central Government "free from all encumbrances" (emphasis supplied) it is not possible to read down the section as submitted by learned Attorney General. In the result the expression "free from all encumbrances" in sub-section (1) of Section 269-UE is struck down and sub-section (1) of Section 269-UE must be read without the expression "free from all encumbrances" with the result the property in question would vest in the Central Government subject to such encumbrances and leasehold interests as are subsisting thereon except for such of them as are agreed to be discharged by the vendor before the sale is completed. If under the relevant agreement to sell the property is agreed to be sold free of all encumbrances or certain encumbrances it would vest in the Central Government free of such encumbrances. Similarly, sub-section (2) of Section 269-UE will be read down so that if the holder of an encumbrance or a lessee is in possession of the

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property and under the agreement to sell the property it is not provided that the sale would be free of such encumbrances or leasehold interests, the encumbrance holder or the lessee who is in possession will not be obliged to deliver the possession of the property to the appropriate authority or any person authorised by it and the provisions of sub-section (3) also would not apply to such persons. If the provisions of Section 269-UE are read down in the manner indicated above then, in our opinion, the provisions of sub-section (6) of that section do not present any difficulty because the vesting in the Central Government would be subject to such encumbrances and leasehold rights as stated earlier.'

135.We have already seen that Section 77-A is unconstitutional for being violative of Article 14 because of excessive delegation by conferring unfettered and uncanalized power to cancel the registration and for the reasons that the power is beyond the scope, ambit and claim of Registration Act and that it is contrary to the fundamental principle that judicial power to decide complicated issues cannot be delegated to executive authorities. This Court is unable to read down the provision by substituting conditions or limitations which is not permissible in view of the settled position of law discussed above. In other words, Section 77-A cannot be saved by applying

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principles of Reading Down.

[C]:-Whether Section 22-B is constitutionally valid:-

136.Section 22-B is different from Section 77-A as this power is given to the Registering Officer before registration. Section 22-A as well as Section 22-B requires Registering Officer to decide a few jurisdictional issues which have already been discussed earlier in this judgment. Even though this Court finds no statutory guidelines, this Court is convinced that the intention of the legislation to bring about Section 22-A and Section 22-B is to protect the interest of State as well as public to prevent fraud and forgery. In none of the writ petitions, Section 22-A is challenged. If Section 22-A is challenged in any other writ petitions earlier, as it is stated in the counter affidavit, the same can be dealt with separately.

137.Section 22-B not only deals with forged document, but also deals with document relating to transaction which is prohibited by Central or State Act and document relating to transfer of immovable property, which is

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attached permanently or provisionally by a competent authority under any other State or Central Act. The provision under Section 22-B[4] of the Act confers further authority to the State Government to specify any other document by a notification to refuse registration. This Court do not consider in the present cases the validity of sub-sections [2], [3] and [4] of Section 22-B of the Act, as none of the learned counsels argued the validity even though we have certain reservation in recognising the constitutional validity of sub-sections [2], [3] and [4] of Section 22-B of the Act.

138.Sub-section [1] of Section 22-B of the Act enables the Registering Officer to refuse to register any forged document. A forged document is now defined under the Act in terms of Section 470 of IPC, 1860. Sections 34 and 35 of the Registration Act deal with execution of document. Sub-section [2] of Section 34 of the Act enables the Registering Officer to enquire whether or not such document was executed by the persons by whom it purports to have been executed. The Registering Officer has to satisfy himself as to the identity of the persons appearing before him Therefore, there is scope for an enquiry to identify the person executing the document. If the Registrar

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finds that the document is not executed by the person who purports to execute the document, the Registrar can refuse to register the document. A forged document even without the aid of Section 22-B cannot be registered. The object of Section 22-B also cannot be doubted. Therefore, Section 22-B cannot be held as unconstitutional. If an objection is raised at the time of presentation of document, disputing the identity of executant alleging forgery, it is open to the Registering Officer to refuse the document based on admitted facts or documents which speaks for themselves. If there is a dispute and the dispute is *bona fide*, involving contentious questions of law and facts, the Registering Officer has to relegate the parties to the Civil Courts.

139.In all these cases, the jurisdictional issues like whether the subject matter of document belongs to State Government or Local Authority or CMDA or religious institution or Wakf or Boodhan Yajna Board or document is forged, are often issues that would be effectively adjudicated only by the Civil Court. This Court in few judgments has already held that such complex issues relating to title cannot be decided by the Sub Registrar

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and it should be decided only by the Civil Court. In view of the same, this Court is of the view that provisions under Section 22-A and Section 22-B can be read down and the provisions can be held valid only if the jurisdictional issues can be answered on admitted facts or by a declaration of Civil Court or Criminal Court in the appropriate proceedings subject to further appeal as the case may be. Section 22-B enables the Registering Officer to refuse to register any document which is forged. The question whether a document is forged is a jurisdictional issue. This Court has already seen that such issue cannot be left within the exclusive jurisdiction of the Registering Officer. Therefore, the issue whether the document is a forged one either should be evident from the admitted facts or on the basis of declaration of Civil Court.

140.Whenever a question whether a document is forged or not is pending before a Civil Court or Criminal Court, the Sub Registrar cannot decide the same for the purpose of accepting or refusing to register the document. If the Sub Registrar has reasons to believe that the issue can be decided on the basis of admission or documents which are admitted and

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enquiry should be conducted by the Sub Registrar by issuing notice to all who are interested and the decision of the Sub Registrar is always subject to judicial scrutiny by this Court either under Article 226 of the Constitution of India or by a suit if there are complex issues involving disputed questions of fact and law.

141.As indicated above, Sections 22-A and 22-B enumerate the list of circumstances under which the Sub Registrar can refuse to register the document. A Full Bench of Andhra Pradesh High Court in ***Vinjamuri Rajagopala Chary and Others Vs. Principal Secretary, Revenue Department, Hyderabad and Others*** reported in ***2015 SCC Online Hyd 407*** considered the scope of Section 22A of the Registration Act as applicable to the State of Andhra Pradesh, on a reference, in view of the conflicting views expressed in five different judgments of learned Judges of Andhra Pradesh High Court. Section 22A of the Registration Act was substituted by Act 19 of 2007. Section 22A as applicable to State of Andhra Pradesh, is some what similar to Section 22A of the Registration Act applicable to the State of Tamil Nadu. It is pertinent to mention that the

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Government of Andhra Pradesh notified, by a Government Order following Section 22A after amendment, guidelines to all the concerned to implement the provisions of the Act. The guidelines extracted in the judgment would show that the authorities are guided while refusing to register the document in terms of Section 22A of the Act. Therefore, it is in the context of substantial guidelines, the Full Bench unanimously held as follows:-

> ***"157.*** *Further, as noticed earlier the State Government is empowered either suo motu or on application to consider the grievances against inclusion of any property in the prohibitory list under Section 22-A of Registration Act and is also empowered to de-notify either in full or in part the notification issued under sub-section (2). In our opinion, the redressal mechanism is available only with respect to notifications published relating to the properties falling under clause (e) of Section 22-A. Hence, any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Court and the adjudication by such Court would be final. Further, so far as notified properties falling under clause (e) are concerned, the redressal mechanism under sub-section (4) of Section 22-A would be able to effectively address the grievance provided the mechanism thereunder is effective, expeditious, fair, and judicious. Thus, in order to make an effective redressal mechanism, we deem it appropriate to direct*

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the respective Governments of both the States to constitute a Committee or establish a Forum within time frame, may be comprising of Principal Secretary of Revenue, Director of Survey and Land Records and a retired Judicial Officer of the rank of a District Judge which shall meet periodically to consider the grievances of the persons affected by the notifications. The Committee shall be empowered to examine relevant records and then pass a reasoned order either accepting or rejecting the grievance by either confirming/deleting/modifying any such property from the notified list of properties. In our view, such orders passed by the Committee shall be binding on the State as well as on the aggrieved person and in the event of any of them being aggrieved thereby, they shall have to approach a competent Court of Law for redressal of their grievance.

158. *We, thus, summarize our conclusions and issue directions as follows : -*

(i) The authorities mentioned in the guidelines, which are obliged to prepare lists of properties covered by clauses (a) to (d), to be sent to the registering authorities under the provisions of Registration Act, shall clearly indicate the relevant clause under which each property is classified.

(ii) Insofar as clause (a) is concerned, the concerned District Collectors shall also indicate the statute under which a transaction and its registration is prohibited. Further in respect of the properties covered under clause (b), they shall clearly indicate which of the Governments own the property.

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(iii) Insofar as paragraphs (3) and (4) in the Guidelines, covering properties under clause (c) and (d) are concerned, the authorities contemplated therein shall also forward to the registering authorities, along with lists, the extracts of registers/gazette if the property is covered by either endowment or wakf, and declarations/orders made under the provisions of Ceiling Acts if the property is covered under clause (d).

(iv) The authorities forwarding the lists of properties/lands to the registering authority shall also upload the same to the website of both the Governments, namely igrs.ap.gov.in of the State of Andhra Pradesh and registration.telangana.gov.in of the State of Telangana. If there is any change in the website, the State Governments shall indicate the same to all concerned, may be by issuing a press note or an advertisement in prominent daily news papers.

(v) No notification, contemplated by sub-section (2) of Section 22A, is necessary with respect to the properties falling under clauses (a) to (d) of sub-section (1) of Section 22-A.

(vi) The properties covered under clause (e) of Section 22-A shall be notified in the official gazette of the State Governments and shall be forwarded, along with the list of properties, and a copy of the relevant notification/gazette, to the concerned registering authorities under the provisions of Registration Act and shall also place the said notification/gazette on the aforementioned websites of both the State Governments. The Registering authorities shall make available a copy of the Notification/Gazette on an application made by an aggrieved party.

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(vii) The registering authorities would be justified in refusing registration of documents in respect of the properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A provided the authorities contemplated under the guidelines, as aforementioned, have communicated the lists of properties prohibited under these clauses.

(viii) The concerned authorities, which are obliged to furnish the lists of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, and the concerned Registering Officers shall follow the guidelines scrupulously.

(ix) It is open to the parties to a document, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of sub-section (1) of Section 22-A, to apply for its deletion from the list or modification thereof, to the concerned authorities as provided for in the guidelines. The concerned authorities are obliged to consider the request in proper perspective and pass appropriate order within six weeks from the date of receipt of the application and make its copy available to the concerned party.

(x) The redressal mechanism under Section 22-A(4) shall be before the Committees to be constituted by respective State Governments as directed in paragraph-35.1 above. The State Governments shall constitute such committees within eight weeks from the date of pronouncement of this judgment.

(xi) Apart from the redressal mechanism, it is also open to an aggrieved person to approach appropriate forum including Civil Court for either seeking

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appropriate declaration or deletion of his property/land from the list of prohibited properties or for any other appropriate relief.

(xii) The directions issued by learned single Judges in six judgments referred to above or any other judgments dealing with the provisions of Section 22-A, if are inconsistent with the observations made or directions issued in this judgment, it is made clear that the observations made and directions issued in this judgment shall prevail and would be binding on the parties including the registering authorities under the Registration Act or Government officials or the officials under the Endowments Act, Wakf Act and Ceiling Acts.

(xiii) If the party concerned seeks extracts of the list/register/gazette of properties covered by clauses (a) to (e) of Section 22-A (1), received by the registering officer on the basis of which he refused registration, it shall be furnished within 10 days from the date of an application made by the aggrieved party.

(xiv) Registering officer shall not act and refuse registration of a document in respect of any property furnished to him directly by any authority/officer other than the officers/authori-ties mentioned in the Guidelines.

(xv) Mere registration of a document shall not confer title on the vendee/alienee, if the property is otherwise covered by clauses (a) to (e), but did not find place in the lists furnished by the concerned authorities to the registering officers. In such cases, the only remedy available to the authorities under clauses (a) to (e) of

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sub-section (1) of Section 22-A is to approach appropriate forums for appropriate relief."

142.It is seen that the above guidelines framed are reasonable and in conformity with the provisions of the Registration Act, as held by Their Lordships. Therefore, the judgment of the Hon'ble Full Bench of Andhra Pradesh High Court may have some relevance to consider the constitutional vires of Section 22-A and Section 22-B and not Section 77-A of the Act. It is to be noted that before the Full Bench, the question whether Section 22-A of Registration Act as applicable to the State of Andhra Pradesh and State of Telengana is unconstitutional, was not considered by the Full Bench as no one challenged its constitutional vires. However, after the decision of the Full Bench in ***Vinjamuri Rajagopala Chary case,*** a Division Bench of Andhra Pradesh in ***M/s.Invecta Technologies Pvt Ltd Vs. Government of A.P. Rep.by its Secretary [WP.No.28300/2007 etc batch order dated 19.10.2023],*** has considered the constitutional vires of Section 22-A as introduced by the Government of Andhra Pradesh and upheld its validity. It is also to be noted that the question before the Division Bench of Andhra Pradesh High Court was, whether the power under Section 22-A of the Act

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is unbridled and unfettered. The Division Bench having regard to the elaborate rules framed by the Government of Andhra Pradesh, rejected the contention that power under Section 22-A is unbridled and unfettered.

143.For the purpose of exercising his power to refuse to register a document, the Sub Registrar has to decide whether the subject matter of document presented for registration is the property of State or any religious institution or belongs to Wakf or satisfy the requirements of other categories of instruments under Section 22-A or Section 22-B of the Act. However, normally the issue that arises for consideration even while presenting the document for registration is one regarding title. However, no machinery is provided under the Act or the guidelines prescribed under the Act to the Sub Registrar to adjudicate the jurisdictional issues or facts. In the absence of specific guidelines framed under the Act, it is too much to expect from the registering officer or the District Registrar to decide such issues judiciously. The importance of an independent and efficient judicial system has been recognised as part of basic structure of our Constitution.

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144.A Division Bench of this Court in ***Sudha Ravikumar and Another Vs. The Special Commissioner and Commissioner, HR&CE, Chennai-34 and Others [2017 [4] MLJ 445],*** allowed batch of writ petitions challenging the orders either refusing to register the sale deeds or refusing to return the sale deeds after registration. This Court, after considering the scope of provisions of Registration Act and other principles, issued the following directions after setting aside the impugned orders of the Sub Registrars:-

> *"26.In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:*
>
> *(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector / religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.*
>
> *(ii)If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.*
>
> *(iii)If the objections raised under Section 22-A*

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of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv)If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.

(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.

(vi)Consequently the connected miscellaneous petitions are closed. No costs. "

145.Since we are not deciding the constitutional validity of sub-sections [2], [3] and [4] of Section 22-B as no counsel has argued,

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liberty is given to any one of the writ petitioners or any individual to challenge Sub-sections [2], [3] and [4] of Section 22-B in separate proceedings.

[D]:-Whether the amendment introducing Section 77-A is prospective or retrospective:-

146.The next question argued before this Bench is on the issue whether the impugned legislation, particularly, Section 77-A is prospective or retrospective. Except a few cases in which constitutional vires of the Amendment is challenged, in all other cases, either show cause notice is challenged or a direction is sought for to the District Registrars to dispose of the applications / representations filed by the individuals for cancellation of registered instruments. In all cases, the main issue is whether the Amendment is retrospective or prospective. Assuming that the provision Section 77-A is constitutionally valid, almost all other writ petitions where constitutional validity is not challenged can be disposed of independently one way or the other if this question is decided. Hence, despite holding that

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Section 77-A of Registration Act is liable to be struck down, this Court is inclined to deal with this issue also.

147.The learned counsels supporting the stand that the Amendment is prospective, particularly relied upon the provisions of Amendment and submitted that by introducing Section 77-A, substantive rights of individuals are affected and hence, Section 77-A cannot be construed as retrospective. The learned counsels added that there is no specific reference in the amendment to apply the amendment retrospectively. Though the learned counsels agreed that the Registration Act is procedural in nature, the learned counsels made a distinction that the impugned provision enabling the District Registrar to cancel registration may result in extinguishing the rights of parties arising out of past transactions cannot have retrospective operation. Some of the learned counsels who have filed writ petitions seeking issuance of a writ of mandamus for considering the petitions / applications of the individuals under Section 77-A, have supported the stand taken by the official respondents.

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148. Mr.P.S.Raman, learned Advocate General submitted that the Amendment is curative in nature and in view of the legislative history, the Amendment cannot be construed except as a clarificatory statute and hence, the operation is retrospective in nature. When the object of Amendment is to annul the fraudulent documents registered long back, the Amendment at no stretch of imagination, can be held as prospective. Since the Amendment is intended to remedy the mischief caused by forgery, fraud, impersonation etc., the Amendment is intended to have retrospective effect in order to give the benefit to the public. Both sides relied upon several judgments on principles on this point.

149.Before we deal with the facts in this issue, it is worthwhile to refer to the following precedents :

[a]In ***Vijay Vs. Union of India*** reported in ***2023 SCC Online [SC] 1585,*** the Hon'ble Supreme Court considered the issue *whether the bar of admissibility of a document under Section 35 of Indian Stamp Act applies*

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to an Agreement of Sale dated 04.02.1988. Section 35 of the Indian Stamp Act renders any instrument which is not duly stamped, inadmissible in evidence. However, such instrument can be admitted in evidence on payment of Stamp Duty together with the penalty as can be levied. By virtue of an amendment in 1989, an Explanation was added to Article 23 of Schedule 1A of Stamp Act. As per the Explanation, if an Agreement of Sale in respect of immovable property is executed and such Agreement acknowledges transfer of possession of immovable property, the same was deemed to be a conveyance attracting Stamp Duty. The Amendment was introduced by the Act in the year 1990. The question was whether the amendment was retrospective or prospective. The Hon'ble Supreme Court placing reliance on the judgment in the case of ***Sree Sankaracharya University of Sanskrit and Others Vs. Dr.Manu and Another*** reported in ***2023 SCC Online [SC] 640*** and the judgment of the Hon'ble Supreme Court in ***Virtual Soft Systems Limited Vs. Commissioner of Income Tax, Delhi*** reported in ***2007 [9] SCC 665*** and the judgment in the case of ***Govind Das and Others Vs. Income Tax Officer and Another*** reported in ***1976 [1] SCC 906*** and the judgment of the Constitution Bench in ***CIT Vs.***

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Vatika Township Private Limited reported in ***2015 [1] SCC 1,*** held that the Explanation inserted in Article 23 of Schedule 1A under the Madhya Pradesh Act 22/1990 creates a new obligation for the party and hence, cannot be given retrospective application. In other words, it was held that the Explanation added under the 1990 Act, will not affect the Agreements executed prior to the amendment.

[b]In ***Sree Sankaracharya University and Others Vs. Dr.Manu and Another*** reported in ***2023 SCC Online [SC] 640,*** the Hon'ble Supreme Court has held that irrespective of whether an amendment is substantive or it is clarificatory, as per the statement in the statute, the Court must analyse the nature of amendment so as to conclude whether it is, indeed, a clarificatory or declaratory provision or whether it is a substantive amendment which is intended to change the law.

[c]In ***Virtual Soft Systems Limited Vs. Commissioner of Income Tax, Delhi*** reported in ***2007 [9] SCC 665,*** the Hon'ble Supreme Court held that the Court is not bound by the statement in the statute itself, whether the

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amendment is declaratory or clarificatory, but it will proceed to analyse the nature of amendment and then conclude whether it is in reality a clarificatory or declaratory provision or whether it is an amendment which is intended to change the law and which applies to future periods.

[d]In ***Govind Das and Others Vs. Income Tax Officer and Another*** reported in ***1976 [1] SCC 906,*** the Hon'ble Supreme Court recognised the well settled rule of interpretation that unless the terms of a statute expressly so provide or necessarily require it, retrospective operation should not be given to a statute so as to take away or impair an existing right or create a new obligation or impose a new liability otherwise than as regards matters of procedure. The Hon'ble Supreme Court also approved the following principles: *[a]all statutes other than those which are merely declaratory or which relate only to matters of procedure or of evidence are prima facie prospective ; and [b] Even if an enactment is expressed in a language which is fairly capable of either interpretations, it should be construed as prospective only.*

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[e]A Three Member Bench of Hon'ble Supreme Court in ***P.Mahendran and Others Vs. State of Karnataka and Others*** reported in ***1990 [1] SCC 411***, held that every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have retrospective effect. Unless there are words in the statute or in the Rules showing the intention to affect existing rights the rule must be held to be prospective. In other words, it is held that if a rule is expressed in a language which is fairly capable of either interpretations, it ought to be construed prospective only.

[f]In ***Commissioner of Income Tax-5, Mumbai Vs. Essar Teleholdings Limited,*** reported in ***2018 [3] SCC 253,*** the Hon'ble Supreme Court examined Rule 8-D of the Income Tax Rules, 1962. The Hon'ble Supreme Court observed that a machinery provision of taxing statute has to give effect to its manifest purposes but the prospective or retrospective applicability of the machinery provision depends on the content and nature of the statutory scheme. While observing that ordinarily a subordinate legislation should not be construed to be retrospective in operation unless there are clear indications to the same, the Hon'ble Supreme Court held that

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Rule 8-D which was framed to give effect to Section 14-A of the Income Tax Act, was held to be prospective since it create new obligation.

[g]In ***National Agricultural Cooperative Marketing Federation of India Limited and Another Vs. Union of India and Others,*** reported in ***2003 [5] SCC 23,*** the Hon'ble Supreme Court considered the principles while interpreting the statute, whether it is prospective or retrospective. It is held that even though a legislative power is available to introduce any enactment with retrospective effect, the question of competence should be examined and such competence was held to be subject to several judically recognised limitations. Hon'ble Supreme Court laid the following principles: *[a]the words used must expressly provide or clearly imply retrospective operation ; [b]the retrospectivity must be reasonable and not existing or harsh which would lead to striking down the provision as unconstitutional ; and [c]when the legislation is introduced to overcome a judicial decision, the power cannot be used to subvert the decision without removing the statutory basis of the decision.*

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[h]In ***Vineeta Sharma Vs. Rakesh Sharma and Others*** reported in ***2020 [9] SCC 1,*** the Hon'ble Supreme Court considered whether Section 6 of Hindu Succession Act as amended by Hindu Succession Amendment Act, 2005, is prospective or retrospective. The Hon'ble Supreme Court held that Section 6 of Hindu Succession Act as amended, is prospective as new rights and liabilities are created from the commencement of the Amendment Act. However, taking note of the fact that the right of co-parcener is by birth, the Hon'ble Supreme Court held that Section 6 of the Hindu Succession Act as amended in 2005, confers a status of coparcener on daughter born before or after amendment in the same manner as a son gets. It is further held that it is not necessary that the coparcener should be living as on 09.09.2005 as existence of coparcener is enough for the daughter to claim right under the amendment.

[i]In ***L.R.Brothers Indo Flora Limited Vs. Commissioner of Central Excise*** reported in ***2021 [19] SCC 576,*** the Hon'ble Supreme Court has quoted the principle reiterated by it in the case of ***Vatika Township Private***

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Limited's case [2015 [1] SCC 1] and in the case of ***Union of India Vs. IndusInd Bank Limited*** reported in ***2016 [9] SCC 720,*** for the proposition that an essential requirement for application of legislation retrospectively is to show that the previous legislation had any omission or ambiguity or it was intended to extend an earlier Act.

[j]Again, the Hon'ble Supreme Court in the case of ***Sree Sankaracharya University of Sanskrit and Others Vs. Dr.Manu and Another*** reported in ***2023 SCC Online SC 640,*** followed the principles that any legislation having the force of law which is clarificatory or explanatory in nature, would generally be retrospective in operation. Paragraph 11 of the judgment is relevant and it is extracted thus:-

> ***"52.*** *From the aforesaid authorities, the following principles could be culled out:*
>
> *i) If a statute is curative or merely clarificatory of the previous law, retrospective operation thereof may be permitted.*
>
> *ii)In order for a subsequent order/provision/amendment to be considered as clarificatory of the previous law, the pre-*

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amended law ought to have been vague or ambiguous. It is only when it would be impossible to reasonably interpret a provision unless an amendment is read into it, that the amendment is considered to be a clarification or a declaration of the previous law and therefore applied retrospectively.

iii)An explanation/clarification may not expand or alter the scope of the original provision.

iv) Merely because a provision is described as a clarification/explanation, the Court is not bound by the said statement in the statute itself, but must proceed to analyse the nature of the amendment and then conclude whether it is in reality a clarificatory or declaratory provision or whether it is a substantive amendment which is intended to change the law and which would apply prospectively."

[k]In ***Yew Bon Tew @ Yong Boon Tiew and another v. Kenderaan Bas Mara [1982 PRIVY COUNCIL 1026]***, the Privy Council considered the question whether a suit which is barred by limitation by a statute in 1973 but filed in 1975, can be saved by virtue of an amendment in 1974 [which

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substituted a new limitation period of 36 months for the period of 12 months]. The Privy Council after referring to the relevant provisions of the Interpretation and General Clauses Ordinance, 1948, as applicable to Malaysia, which protects right, privilege, obligation or liability acquired, accrued or incurred under any law. On repeal of the same, the Privy Council examined whether the statute of limitation is procedural or substantive. The Privy Council while agreeing with the judgment of the Federal Court of Malaysia, holding that the suit is barred by limitation, observed as follows:-

> *".....In their Lordships' view, an accrued right to plead a time bar, which is acquired after the lapse of the statutory period, is in every sense a right, even though it arises under an act which is procedural. It is a right which is not to be taken away by conferring on the statute a retrospective operation, unless such a construction is unavoidable. Their Lordships see no compelling reason for concluding that the respondent acquired no "right" when the period prescribed by the Ordinance of 1948 expired, merely because the Ordinance of 1948 and the Act of 1974 are procedural in character. The plain purpose of the Act of 1974, read with the Ordinance of 1948, was to give and not to deprive. It was to give to a potential defendant, who was not on June 13, 1974, possessed of an accrued limitation defence, a right to plead such a defence at the expiration of the new statutory period. The purpose was not to deprive a potential defendant of a limitation defence which he already possessed. The briefest consideration will expose the injustice of the contrary view. When a period of limitation*

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has expired, a potential defendant should be able to assume that he is no longer at risk front a stale claim. He should be able to assume that he is no longer at risk from a stale claim. He should be able to part with his papers if they exist and discard any proofs of witnesses which have been taken ; discharge his solicitor if he has been retained ; and order his affairs on the basis that his potential liability has gone. That is the whole purpose of the limitation defence."

[l]In ***Ex-Captain K.C.Arora and Another Vs. State of Haryana and Others*** reported in ***1984 [3] SCC 281***, the Hon'ble Supreme Court, following the judgment of the Constitution Bench of Hon'ble Supreme Court in ***State of Gujarat Vs. Raman Lal Keshav Lal Soni [1983 [2] SCC 33],*** held that State of Haryana cannot take away the accrued right of its servants by making amendment to the rules giving retrospective effect.

[m]***Raman Lal Keshav Lal Soni's case [1983 [2] SCC 33]*** is followed by Hon'ble Supreme Court in ***Union of India Vs. Tshar Ranjan Mohanty and Others*** reported in ***1994 [5] SCC 450,*** to hold that retrospective operation of the amendment which would take away the vested

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right of Government employees, cannot be sustained.

[n]In ***Bijoe Emmanuel and Others Vs. State of Kerala and Others*** reported in ***1986 [3] SCC 615,*** Hon'ble Supreme Court held that executive instructions which are not being law, cannot impose restriction on rights under Art.19[1] or Art.25[1] of Constitution.

[o]In ***Union of India Vs. Sukumar Pyne*** reported in ***AIR 1966 SC 1206,*** the Hon'ble Supreme Court observed that there is no principle under Article 20 of the Constitution which makes a right to any course of procedure, a vested right. When a challenge in legislation is in relation to procedure, even without an indication that new procedural law is retrospective, the law amending the procedure will be held retrospective in operation.

[p]In ***New India Assurance Company Limited Vs. Smt.Shanti Misra, Adult,*** the Hon'ble Supreme Court considered the scope of Section 110-A of Motor Vehicles Act, 1939, after the amendment by Act 56/1969.

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By the amendment, the jurisdiction of the Civil Court is ousted as soon as the Claims Tribunal is constituted and filing of the applications before the Tribunal is the only remedy available to the claimants. The expressions "arising out of an accident" occurring sub-section [1] and "over the area in which the accident occurred", mentioned in sub-section [2] in Section 110-A was held to indicate that the Forum was meant to be operative retrospectively, irrespective of the fact as to when the accident occurred.

[q]In ***Hitendra Vishnu Takur and Others Vs. State of Maharashtra and Others*** reported in ***1994 [4] SCC 607,*** the Hon'ble Supreme Court considered whether the 1993 amendment amending Section 167[2] of the Code of Criminal Procedure by modifying Section 20[4][b] and adding a new provision as Section 20[4][bb] applicable to the pending cases. After an elaborate discussions on principles with reference to a few precedents, the Hon'ble Supreme Court has held in paragraph No.26 as follows:-

> ***26.*** *The Designated Court has held that the amendment would operate retrospectively and would apply to the pending cases in which investigation was not complete on the date on which the Amendment Act came into force and the challan had not till then been*

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filed in the court. From the law settled by this Court in various cases the illustrative though not exhaustive principles which emerge with regard to the ambit and scope of an Amending Act and its retrospective operation may be culled out as follows:

(i)A statute which affects substantive rights is presumed to be prospective in operation unless made retrospective, either expressly or by necessary intendment, whereas a statute which merely affects procedure, unless such a construction is textually impossible, is presumed to be retrospective in its application, should not be given an extended meaning and should be strictly confined to its clearly defined limits.

(ii) Law relating to forum and limitation is procedural in nature, whereas law relating to right of action and right of appeal even though remedial is substantive in nature.

(iii) Every litigant has a vested right in substantive law but no such right exists in procedural law.

(iv)A procedural statute should not generally speaking be applied retrospectively where the result would be to create new disabilities or obligations or to impose new duties in respect of transactions already accomplished.

(v)A statute which not only changes the procedure but also creates new rights and liabilities shall be construed to be prospective in operation, unless otherwise provided, either expressly or by necessary implication."

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[r]In ***Securities and Exchange Board of India Vs. Classic Credits Limited*** reported in ***2018 [13] SCC 1,*** the Hon'ble Supreme Court considered whether change of Forum which is procedural in nature, would operate retrospectively. The Hon'ble Supreme Court held that amendment to change of Forum would be either substantive or procedural. It is further held that when remedy was yet to be availed, the amendment will be procedural, but where the remedy had already been availed of, the right will be treated as crystalized into a vested substantive right. It is also held that change of Forum does not affect the pending cases.

[s]The Hon'ble Supreme Court in ***Thirumalai Chemicals Limited v. Union of India*** reported in ***2011 (6) SCC 739***, in the context of examining whether a statute is prospective or retrospective, explained the difference between the substantive and procedural law. After referring to several judgments, the Hon'ble Supreme Court reiterated the legal position that every statute is prospective unless it is expressly or by necessary implication

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indicate retrospective operation. The Hon'ble Supreme Court also observed that a statute which while procedural in nature, affects the vested rights adversely, is to be construed as prospective. Following paragraphs of the judgment are relevant and hence, they are extracted below:-

> ***"26.****Therefore, unless the language used plainly manifests in express terms or by necessary implication a contrary intention a statute divesting vested rights is to be construed as prospective, a statute merely procedural is to be construed as retrospective and a statute which while procedural in its character, affects vested rights adversely is to be construed as prospective.*
>
> **...**
>
> ***32.****Limitation provisions therefore can be procedural in the context of one set of facts but substantive in the context of different set of facts because rights can accrue to both the parties. In such a situation, test is to see whether the statute, if applied retrospectively to a particular type of case, would impair existing rights and obligations. An accrued right to plead a time bar, which is acquired after the lapse of the statutory period, is nevertheless a right, even though it arises under an Act which is procedural and a right which is not to be taken away pleading retrospective operation unless a contrary intention is discernible from the statute. Therefore, unless the language clearly manifests in express terms or by necessary implication, a contrary intention a statute divesting vested rights is to be construed as prospective."*

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[t]The Hon'ble Supreme Court in the case of ***Zile Singh v. State of Haryana and others*** reported in ***2004 (8) SCC 1***, considered whether a statute that creates a new right or remedy, affecting a transaction or a civil right as a consequence of creating a right or providing a remedy should be construed as prospective. While holding the difference between statute which is clarificatory or declaratory in nature and the statute which creates new rights and obligations, it is held as follows :

> ***"13.****It is a cardinal principle of construction that every statute is prima facie prospective unless it is expressly or by necessary implication made to have a retrospective operation. But the rule in general is applicable where the object of the statute is to affect vested rights or to impose new burdens or to impair existing obligations. Unless there are words in the statute sufficient to show the intention of the legislature to affect existing rights, it is deemed to be prospective only — "nova constitutio futuris formam imponere debet non praeteritis" — a new law ought to regulate what is to follow, not the past. (See Principles of Statutory Interpretation by Justice G.P. Singh, 9th Edn., 2004 at p. 438.) It is not necessary that an express provision be made to make a statute retrospective and the presumption against retrospectivity may be rebutted by necessary implication especially in a case where the new law is made to cure an acknowledged evil for the benefit of the community as a whole (ibid., p. 440).***"**

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[u]In ***Katta Sujatha Reddy and others v. Siddamsetty Infra Projects Private Limited and others*** reported in ***2023 (1) SCC 355***, the Hon'ble Supreme Court considered the issue whether 2018 amendment to Specific Relief Act amending provisions particularly Sections 10 and 14(1)(a) is retrospective or prospective. Following are the relevant paragraphs which would be very helpful to understand the issue :

> ***"48.****We do not subscribe to the aforesaid reasoning provided by the High Court for the simple reason that after the 2018 Amendment, specific performance, which stood as a discretionary remedy, is not (sic now) codified as an enforceable right which is not dependent anymore on equitable principles expounded by Judges, rather it is founded on satisfaction of the requisite ingredients as provided under the Specific Relief Act. For determination of whether a substituted law is procedural or substantive, reference to the nature of the parent enactment may not be material. Instead, it is the nature of the amendments which determine whether they are in the realm of procedural or substantive law.*
>
> *...*
>
> ***51.****In any case, the amendment carried out in 2018 was enacted to further bolster adherence to the sanctity of contracts. This approach was radical and created new rights and obligations which did not exist prior to such an amendment. Section 10, after amendment, reads as under:*
>
> *"10.Specific performance in respect of*

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contracts.—The specific performance of a contract shall be enforced by the court subject to the provisions contained in sub-section (2) of Section 11, Section 14 and Section 16."

52.*This provision, which remained in the realm of the courts' discretion, was converted into a mandatory provision, prescribing a power the courts had to exercise when the ingredients were fulfilled. This was a significant step in the growth of commercial law as the sanctity of contracts was reinforced with parties having to comply with contracts and thereby reducing efficient breaches.*

53.*Under the pre-amended Specific Relief Act, one of the major considerations for grant of specific performance was the adequacy of damages under Section 14(1)(a). However, this consideration has now been completely done away with, in order to provide better compensation to the aggrieved party in the form of specific performance.*

54.*Having come to the conclusion that the 2018 Amendment was not a mere procedural enactment, rather it had substantive principles built into its working, this Court cannot hold that such amendments would apply retrospectively.*

...

56.*From the aforesaid decision in Shyam Sunder case [Shyam Sunder v. Ram Kumar, (2001) 8 SCC 24] , it is clear that when a substantive law is brought about by amendment, there is no assumption that the same ought to be given retrospective effect. Rather, there is a requirement for the legislature to expressly clarify whether the aforesaid amendments ought to be retrospective or not.*

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> ***57.****In the light of the aforesaid discussion, it is clear that ordinarily, the effect of amendment by substitution would be that the earlier provisions would be repealed, and amended provisions would be enacted in place of the earlier provisions from the date of inception of that enactment. However, if the substituted provisions contain any substantive provisions which create new rights, obligations, or take away any vested rights, then such substitution cannot automatically be assumed to have come into force retrospectively. In such cases, the legislature has to expressly provide as to whether such substitution is to be construed retrospectively or not.*
>
> ...
>
> ***59.****In view of the above discussion, we do not have any hesitation in holding that the 2018 Amendment to the Specific Relief Act is prospective and cannot apply to those transactions that took place prior to its coming into force."*

[v]The Constitution Bench of Hon'ble Supreme Court in ***Commissioner of Income Tax, New Delhi v. Vatika Township Private Limited*** reported in ***2015 (1) SCC 1***, considered whether the proviso appended to Section 113 of the Income Tax Act which was inserted in Section 113 by the Finance Act, 2002, is prospective or retrospective. Under Section 113 of Income Tax Act, the total undisclosed amount of the block

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period determined under Section 158-BC is chargeable to tax @ 60%. A proviso to Section 113 was inserted by the Finance Act, 2002 with effect from 2002. Finding that levy of surcharge for block assessment is introduced only by the proviso to Section 113 of Income Tax Act, the Hon'ble Supreme Court has held that the amendment is prospective. It is relevant to note the following paragraphs:-

> ***"28.****Of the various rules guiding how a legislation has to be interpreted, one established rule is that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation. The idea behind the rule is that a current law should govern current activities. Law passed today cannot apply to the events of the past. If we do something today, we do it keeping in view the law of today and in force and not tomorrow's backward adjustment of it. Our belief in the nature of the law is founded on the bedrock that every human being is entitled to arrange his affairs by relying on the existing law and should not find that his plans have been retrospectively upset. This principle of law is known as lex prospicit non respicit: law looks forward not backward. As was observed in Phillips v. Eyre [(1870) LR 6 QB 1], a retrospective legislation is contrary to the general principle that legislation by which the conduct of mankind is to be regulated when introduced for the first time to deal with future acts ought not to change the character of past transactions carried on upon the faith of the then existing law.*
>
> ***29.****The obvious basis of the principle against*

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retrospectivity is the principle of "fairness", which must be the basis of every legal rule as was observed in L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd. [(1994) 1 AC 486 : (1994) 2 WLR 39 : (1994) 1 All ER 20 (HL)]. Thus, legislations which modified accrued rights or which impose obligations or impose new duties or attach a new disability have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect; unless the legislation is for purpose of supplying an obvious omission in a former legislation or to explain a former legislation. We need not note the cornucopia of case law available on the subject because aforesaid legal position clearly emerges from the various decisions and this legal position was conceded by the counsel for the parties. In any case, we shall refer to few judgments containing this dicta, a little later.

30.*We would also like to point out, for the sake of completeness, that where a benefit is conferred by a legislation, the rule against a retrospective construction is different. If a legislation confers a benefit on some persons but without inflicting a corresponding detriment on some other person or on the public generally, and where to confer such benefit appears to have been the legislators' object, then the presumption would be that such a legislation, giving it a purposive construction, would warrant it to be given a retrospective effect. This exactly is the justification to treat procedural provisions as retrospective. In Govt. of India v. Indian Tobacco Assn. [(2005) 7 SCC 396] , the doctrine of fairness was held to be relevant factor to construe a statute conferring a benefit, in the context of it to be given a retrospective operation. The same doctrine of fairness, to hold that a statute was retrospective in nature, was applied in Vijay v. State of Maharashtra [(2006) 6 SCC*

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289] . It was held that where a law is enacted for the benefit of community as a whole, even in the absence of a provision the statute may be held to be retrospective in nature. However, we are (sic not) confronted with any such situation here."

[w]In ***G.J.Raja Vs. Tejraj Surana*** reported in ***2019 [19] SCC 469,*** the Hon'ble Supreme Court considered the applicability of Section 143-A of Negotiable Instruments Act, 1881 to offences committed before the introduction of Section 143-A of the Act. Following the judgment of Hon'ble Supreme Court in ***Hitendra Vishnu Thakur Vs. State of Maharashtra*** reported in ***1994 [4] SCC 602,*** the Hon'ble Supreme Court after observing that Section 143-A not only creates a new disability or an obligation but also exposes the accused to coercive methods of recovery of interim compensation through the machinery of the State, held that Section 143-A is prospective in operation and that the said provision can be applied or invoked only in cases where the offence under Section 138 of the Act was committed after the introduction of Section 143-A in the statute.

150.Learned Advocate General, to buttress his argument that the

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impugned legislation, particularly, Section 77-A of the Act should be given retrospective effect, relied upon a judgment of the Hon'ble Supreme Court in the case of ***Manish Kumar v. Union of India and another*** reported in ***(2021) 5 SCC 1***. The said judgment of the Hon'ble Supreme Court acknowledged the competence of legislature to make retrospective laws even by taking away the vested rights. However, the broad principle accepted by the Hon'ble Supreme Court is that a law which affects substantive rights is meant to have prospective operation only and it is only the procedure laws which can be given retrospective impact. The following paragraphs of the said judgment of the Hon'ble Supreme Court throws some light on the principles the Court normally follows while interpreting a Statute as prospective or retrospective :

> ***"406.****A Statute is not retrospective merely because it affects existing rights. This is, however, in regard to the future operation of law qua the existing rights. If the existing right is modified or take away and it is to have operation only from the date of new law, it would obviously have only prospective operation and it would not be a retrospective law.*

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407.*Declaratory, clarificatory or curative Statutes are allowed to hold sway in the past. The very nature of the said laws involve the aspect of public interest which requires sovereign Legislature to remove defects, clarify aspects which create doubt. The declaratory law again has the effect of the legislative intention being made clear. It may not be apposite in the case of these Statutes to paint them with the taint of retrospectivity.*

408.*What then is retrospectivity? It is ordinarily the new law being applied to cases or facts, which came into existence prior to the enacting of the law. A retrospective law, in other words, either supplants an existing law or creates a new one and the Legislature contemplates that the new law would apply in respect of a completed transaction. It may amount to reopening, in other words, what is accomplished under the earlier law, if there was one, or creating a new law, which applies to a past transaction.*

409.*"Meaning of "retrospective" - A Statute is to be deemed to be retrospective, which takes away or impairs any vested right acquired under any existing laws or creates a new obligation or imposes a new duty or attaches a new disability in respect to transactions or considerations already passed". [See Craies on State Law, 7th Edition,*

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151.In the same judgment, the Hon'ble Supreme Court also recognized the power to strike down a Statute under Article 14 of the Constitution if the impugned Statute in its retrospectivity produces manifest arbitrariness or is violative of Article 19(1)(g).

152.Learned Advocate General relied upon the judgment of Hon'ble Supreme Court in the case of ***G.Mohan Rao and Others Vs. State of Tamil Nadu and Others*** reported in ***2022 [12] SCC 696,*** in support of his contention on the question of repugnancy as well as retrospective application of the amendment. This Court however finds that the said judgment if considered in the context in which it was rendered, may not lend any support to the arguments of the learned Advocate General. The issue considered by the Hon'ble Supreme Court is the extent and the manner in which the basis of a judicial determination of unconstitutionality of a legislation could be altered by the legislature by subsequently enacting the validity or reviving legislation, without overstepping on the jurisdiction of

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the Constitutional Court. As we know, in the State of Tamil Nadu, the Government enacted the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001. Since the Land Acquisition Act, 1894 [Central Act] made by Parliament was applicable to all acquisitions, the State obtained the Presidents's assent as required under Article 254 to avoid repugnancy. The 1894 Act was repealed and a new Act, i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [herinafter referred to as Act 30/2013] was enacted. The Act 30/2013 contained a special provision namely Section 105 to declare the non-applicability of Act 30 of 2013 to certain enactments made by the Parliament relating to land acquisition specified in the IV Schedule. Though the other enactments are same, the Central Act was directed to issue notification within one year from the date of commencement of Act 30 of 2013, to notify that the provisions of 2013 Act was applied to every cases of acquisition under the enactments specified in the IV Schedule as regards, determination of compensation, rehabilitation and resettlement. The Central Act extended the provisions

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relating to compensation, rehabilitation and resettlement and infrastrucutural amenities as provided under Act 30 of 2013 to the enactments placed in the IV Schedule of the Act on 28.04.2015.

153.The State of Tamil Nadu brought an amendment to Act 30 of 2013 by introducing Section 105-A to Act 30 of 2013 so that provisions of Act 30 of 2013 are inapplicable to acquisition of land under the three State enactments mentioned in the IV Schedule. Section 105-A as introduced by the State in the year 2014 though received Presidential Assent on 01.01.2015 and was applied retrospectively from 01.01.2014, the amendment vide Section 105-A was challenged before this Court mainly on the ground of repugnancy with Act 2013 and violation of Article 14 due to manifest arbitrariness and discrimination in the operation of the State enactments and this Court held that all the three State enactments are unconstitutional and void because of its inherent arbitrariness and that the President of India had not applied his mind while granting assent to Section 105-A and whether the President's assent to Section 105-A would revive the three Acts. In view of the conclusion reached by the Division Bench of this

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Court holding that the three State enactments are repugnant to Act 30 of 2013, all the pending acquisition proceedings are quashed.

154.The judgment of the Division Bench of this Court declaring the three enactments is unconstitutional was of course with a right to revive the operation of three enactments by getting fresh assent of President in accordance with Article 254 of the Constitution of India. In order to revive the operation of all the three enactments, the State Government introduced, Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019 (for short "the 2019 Act") **. The Validation Act, 2019 was applied retrospectively from 26.09.2013 with the object to validate all pending acquisitions which are quashed by the High Court earlier. The Validation Act 2019 was under challenge before the Hon'ble Supreme Court in *G.Mohan Rao's case.*** After referring to several precedents highlighting the State's competence and legislative power validating enactments which were held to be unconstitutional, the Hon'ble Supreme Court elaborated the ingredients for challenging the Act on the ground of repugnancy in the light of Article 254. The revival of the three

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State enactments and the provision relating to validation of three enactments, the Hon'ble Supreme Court held that the retrospectivity given to 2019 Act is perfect and a valid enactment and it is made applicable with effect from 26.09.2013 to save all the acquisitions made under the three enactments during the pendency of earlier writ petition before this Court despite the judgment of Division Bench of this Court declaring the three enactments as unconstitutional. This judgment cannot be applied in this case for obvious reasons.

155.Mr.P.S.Raman, learned Advocate General in the context of explaining the power of State to make enactments affecting the existing rights of parties and to explain retrospectivity of legislation, relied upon a judgment of Hon'ble Supreme Court in the case of ***Trimbak Damodhar Raipurkar Vs. Assaram Hiraman Patil and Others*** reported in ***AIR 1966 SC 1758.*** The appellant before the Hon'ble Supreme Court is the landlord and respondents who were tenants, had exected a rent note in 1943 for a period of five years. Before the expiry of lease, the Bombay Tenancy Act, 1939 was extended to the area where the lands are situated. By virtue of

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Section 23[1] of Bombay Tenancy Act, the lease period of five years was statutorily extended to ten years and hence, rent note was statutorily extended and the lease in favour of respondents would expire on 31.03.1953. In the meanwhile, the Bombay Tenancy and Agricultural Lands Act LXVII of 1948 came into force. By this Act, Bombay Tenancy Act, 1939 was repealed except some modifications. The appellant gave notice on 11.03.1952 to the respondents calling upon them to deliver possession. With effect from 12.01.1953, Bombay Act 33/192 came into operation repealing Section 14[2] and amending Section 5 of the Act. The effect of amendment was that the tenancy in favour of respondents could not be terminated on expiry of their tenancy except by giving one year's notice. That too, on the ground that the lands are required by the landlord for bona fide personal cultivation. On 04.04.1953, the appellant/landlord instituted tennacy proceedings for getting possession from the tenants. Since tenancy had not been terminated as required by law, the eviction proceedings are dismissed. The appellant was not successful in the appeal before the Appellate Authority. However, the appellant preferred a revision before the Bombay Revenue Tribunal and the Tribunal held that amendment were not

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retrospective and the appellant was entitled to eject the respondents. The order of Tribunal was challenged before Bombay High Court which allowed the writ petition holding that the amendments are retrospective in operation and the appellant is not entitled to eject the respondents. While upholding the decision of High Court holding that the amendments are retrospective and that the appellant is not entitled to eject respondents/tenants, the Hon'ble Supreme Court has held as follows:-

> ***9.*** *In this connection it is relevant to distinguish between an existing right and a vested right. Where a statute operates in future it cannot be said to be retrospective merely because within the sweep of its operation all existing rights are included. As observed by Buckley, L.J. in West v. Gwynne [1911 2 Ch 1 at pp. 11, 12] retrospective operation is one matter and interference with existing rights is another. "If an Act provides that as at a past date the law shall be taken to have been that which it was not, that Act I understand to be retrospective. That is not this case. The question here is whether a certain provision as to the contents of leases is addressed to the case of all leases or only of some, namely, leases executed after the passing of the Act. The question is as to the ambit and scope of the Act, and not as to the date as from which the new law, as enacted by the Act, is to be taken to have been the law". These observations were made in dealing with the question as to the retrospective construction of Section 3 of the Conveyancing and*

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Law of Property Act, 1892 (55 & 56 Vict. c. 13). In substance Section 3 provided that in all leases containing a covenant, condition or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent. It was held that the provisions of the said section applied to all leases whether executed before or after the commencement of the Act; and, according to Buckley, L.J., this construction did not make the Act retrospective in operation; it merely affected in future existing rights under all leases whether executed before or after the date of the Act. The position in regard to the operation of Section 5(1) of the amending Act with which we are concerned appears to us to be substantially similar.

10. *A similar question had been raised for the decision of this Court in Jivabhai Purshottam v. Chhagan Karson [Civil Appeal No. 153 of 1958 decided on 27-3-1961] in regard to the retrospective operation of Section 34(2)(a) of the said amending Act 33 of 1952 and this Court has approved of the decision of the Full Bench of the Bombay High Court on that point in Durlabbhai Fakirbhai v. Jhaverbhai Bhikabhai [(1956) 58 BLR 85] . It was held in Durlabbhai case [(1956) 58 BLR 85] that the relevant provision of the amending Act would apply to all proceedings where the period of*

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> *notice had expired after the amending Act had come into force and that the effect of the amending Act was no more than this that it imposed a new and additional limitation on the right of the landlord to obtain possession from his tenant. It was observed in that judgment that "a notice under Section 34(1) is merely a declaration to the tenant of the intention of the landlord to terminate the tenancy; but it is always open to the landlord not to carry out his intention. Therefore, for the application of the restriction under sub-section 2(a) on the right of the landlord to terminate the tenancy, the crucial date is not the date of notice but the date on which the right to terminate matures; that is the date on which the tenancy stands terminated".*

156.It is seen that in the above judgment, the Hon'ble Supreme Court held that the amendment Act only imposed a new and additional limitation on the right of the landlord to obtain possession from the tenant and therefore, the crucial date is not the date of notice but the date on which the right stands terminated. The judgment of Hon'ble Supreme Court is distinguishable on facts and this cannot be a precedent to appreciate the contention that Section 77-A is retrospective.

157.Mr.S.Sathyaseelan, learned counsel appearing for the petitioner in

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W.P.No.10291 of 2022 relied upon the judgment of the Hon'ble Supreme Court in the case of ***Monnet Ispat and Energy Limited v. Union of India and others, (2012) 11 SCC 1***, wherein the Hon'ble Supreme Court has held as follows:

> *"154. Where an issue arises before the Court whether a statute is prospective or retrospective, the court has to keep in mind presumption of prospectivity articulated in the legal maxim nova constitutio futuris formam imponere debet non praeteritis i.e. "a new law ought to regulate what is to follow, not the past." The presumption of prospectivity operates unless shown to the contrary by express provision in the statute or is otherwise discernible by necessary implication*."

158.From the catena of judgments above referred to, we are able to summarise the following principles that emerge from the above precedents:-

(a) The Court must analyse the nature of amendment whether the amendment is substantive intend to change the law or procedural or clarificatory in nature. When amendment is substantive creates a new obligation or a right it cannot be given retrospective application.

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(b) Retrospective operation should not be given to a statute to take away or impair an existing right or impose a new liability otherwise than as regards matters of procedure.

(c) Amendments that create rights and obligations are generally prospective in nature and law which is clarificatory or explanatory should not have the effect of imposing an unanticipated duty or depriving a party of an anticipated benefit.

(d) When the intention is to affect the existing rights, the statute which is expressed in a language which is fairly capable of either interpretations, ought to be construed as prospective.

(e) An essential requirement for application of a provision retrospectively is to show the previous legislation had any omission or ambiguity and the amendment is intend to supply the omission or to remove the ambiguity.

(f) The amendment will be considered to be clarificatory only when the pre-amended law is vague or ambiguous and it is impossible to reasonably interpret a provision unless the amendment is read into it. Merely because a provision is described as clarification in nature, the

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Court is not bound by the statement in the statute itself, but must proceed to analyse the nature of amendment and then conclude whether the amendment is clarificatory or substantive.

(g) When a challenge to legislation is in relation to procedure, the law amending the procedure will be held retrospective in operation.

(h) Even a procedural statute should not generally be applied retrospectively when the result would be to create new disabilities or obligations or to impose a new duties in respect of transactions already accomplished.

(i) A statute which not only changes the procedure but also creates new rights and liabilities shall be construed to be prospective in operation, unless otherwise provided, either expressly or by necessary implication.

(j) A statute which while procedural in its character, affects vested rights adversely is to be construed as prospective. In other words, an accrued right to plead a time bar, which is acquired after the lapse of the statutory period is nevertheless a right, even though it arises under an Act which is procedural and a right which is not to be taken away

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pleading retrospective operation.

(k) When the object of the statute is to affect vested rights or to impose new burdens or to impair existing obligations, the general rule is that the statute is prospective.

(l) If the amendment or substituted provisions contain any substantive provisions which create new rights, obligations or take away any vested rights, then such amendment or substitution cannot automatically be assumed to have come into force retrospectively.

(m) A retrospective legislation is contrary to the general principles that legislation by which the conduct of mankind is to be regulated when introduced for the first time to deal with future acts ought not to change the character of past transaction carried on upon the faith of the then existing law.

(n) Legislation which modify accrued rights or which impose obligation or attach a new disability, have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect.

159.From the above principles laid down by Hon'ble Supreme Court,

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we are not able to acept the contentions of the learned Advocate General that Section 77-A should be given retrospectivity in its application. First of all, we have seen that Section 77-A is a new provision which is introduced to affect past transactions. Even though Registration Act is procedural, a substantive law is introduced by Section 22-A to cancel registration of past transactions which is not contemplated under the Registration Act. Hence, it is not clarificatory in nature. Then Section 77-A speaks about cancellation of registration of documents which is made in contravention of Section 22-A or Section 22-B. Section 22-A was introduced by Tamil Nadu Act 28 of 2012 dated 21.06.2012 with effect from 20.10.2016. Section 22-B was introduced by Tamil Nadu Act 41 of 2022 with effect from 16.08.2022. When Section 22-A Section 22-A and Section 22-B were introduced only by way of amendments with effect from 2016 and 2022 retrospectively, Section 77-A cannot have retrospective effect to affect registration of document before introduction of Section 22-A and Section 22-B. This Court on overall consideration has no hesitation therefore to hold that Section 77 even assuming that it is a valid piece of legislation can have only prospective effect.

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160.Now let us consider a few judgments of this Court on the same issue referring to Section 77-A of Registration Act.

161.A learned Single Judge of this Court in WP.No.6947/2019 ***[E.Geetha Helan Alexandria and Others Vs. The Joint Sub Registrar-II, Dindigul Sub Registrar Office, Dindigul and Others]***, by an order dated 02.01.2023, considered the scope of Section 77-A of the Act as to whether it is retrospective or prospective. The prayer in the said writ petition was for issuance of a writ of mandamus, directing the Sub Registrar to cancel the Deed of Agreement for Sale dated 24.07.2013. Following the judgment of Hon'ble Supreme Court in ***C.I.T Vs. Vatika Township Private Limited*** reported in ***2015 [1] SCC 1***, wherein the Hon'ble Supreme Court has reiterated the principle that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation and that the law passed today cannot be applied to the events of the past and few other judgments, held that Section 77-A of the Act will apply only in respect of documents that were registered after 16.08.2022. Since the Sale Agreement

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which was the subject matter of the writ petition, was registered in the year 2013 and the suit filed by the writ petitioner challenging the validity of the document was pending, the Learned Single Judge held that the petitioner may seek registration of the judgment and decree in the suit he had filed if he succeed before the Civil Court.

162.Following the judgment in ***Geetha Helen Alexandria,*** Justice G.R.SWAMINATHAN, the author, has reiterated the position in several judgments. The view expressed in ***Geetha Helen case,*** was followed in several writ petitions challenging the notice for an enquiry under Section 77-A. However, a contrary view was expressed by a Learned Judge of this Court and hence, the matter was referred to this Bench. However, a Division Bench of this Court has already held that the amendment introducing Section 77-A is prospective.

163.In ***R.Sakunthala Vs. District Registrar [Administration], Tirunelveli District and Another*** reported in ***2023 [2] MLJ 268,*** a learned

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Single Judge of this Court, following the judgment in ***E.Geetha Helan Alexandria and 4 Others,*** in ***WP.No.6947/2019 daetd 02.01.2023,*** held that there is nothing in the amending Act that Section 77-A of Registration Act was intended to be retrospective. Following the judgment of Hon'ble Supreme Court in ***CIT Vs. Vatika Township Private Limited [2015 [1] SCC 1],*** the Hon'ble Judge has held as follows:-

> *"6.The approach indicated above can be justified by applying the principle "reductio ad absurdum". If it can be shown that absurd consequences will ensue if the alternative view is taken, then, the alternative view is erroneous as a matter of logical necessity. If Section 77-A is taken as retrospective, where do we draw the line ?. It will be like 'crossing the Rubicon'. It will be passing a point of no return. In one case before me, the petitioner therein sought a direction to the authority for cancelling a document registered in the year 1982 by invoking Section 77-A. If the provision is applied retrospectively, there would be no end. Settled and concluded transactions would be upset and sought to be reopened. Article 300A of the Constitution recognizes right to property. Innocent and bonafide persons who have purchased on the strength of registered transactions will have sleepless nights. Speculative litigations will become the order of the day. The noble object with which the amendment has been introduced may be nullified. The doctrine of repose that underlies any statute or provision of*

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limitation will be given a go-bye. A civil suit seeking the relief of cancellation of a document has to be filed within a period of three years. If I accept the petitioner's argument, I will have to hold that what a civil court cannot do, a statutory authority can do."

164.A few counsels appearing for the petitioners, particularly, Mr.Srinath Sridevan**,** learned Senior counsel referred to the judgment of the Division Bench of this Court dated 20.03.2024 in ***WA.No.3391 of 2023 [Netvantage Technologies Pvt. Ltd. Rep.by its Authorised Signatory Vs. Inspector General of Registration and Others]***. The appellant in the writ appeal purchased a property by a Sale Deed dated 28.09.2007 from a person who claimed title by virtue of an earlier Sale Deed in 2004. The respondents 4 to 7 who claimed title to the property, filed an application before the District Registrar under Section 77A of the Registration Act to cancel the two Sale Deeds in the year 2004 and 2007 on the ground that they are fraudulent. The District Registrar cancelled the Sale Deeds as fraudulent. The order of District Registrar was confirmed by Inspector General of Registration. The writ petition filed by the purchaser under 2007 document, was dismissed on the ground that parties have to approach the

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Civil Court for resolving the dispute. While allowing the appeal, the Division Bench held that S.77A of Registration Act cannot have retrospective effect and that powers given under Section 77A of Registration Act to District Registrars is limited and cannot be exercised for cancellation of document unless there is proof to establish fraud or impersonation. The Division Bench held as follows:-

> *"15.Therefore, necessarily, the Court has to form an opinion that in respect of the documents falling under Section 22-B of the Act, if sought to be cancelled, then the Registrar is empowered to cancel the documents under Section 77-A of the Act. In respect of other documents registered prior to the amendment, one has to understand that those documents are to be dealt in accordance with the law prevailing at the time of registration by approaching the Civil Court of law. When all those documents registered prior to the amendment of the year 2022 are subjected to Section 77-A of the Act, then this Court is afraid that an anomalous situation would be created by approaching the District Registrar for the purpose of adjudication of disputed issues with*

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reference to those documents registered several years back. The amendment effected from 16.08.2022 has not intended to do so nor the provision expressly provides any such retrospective application. Prior to amendment, Section 22-A and Section 22-B was not in force. Thus, Section 77-A cannot have retrospective effect. In other words, Section 77-A must be read in conjunction with Section 22-A and Section 22-B of the Act. Insertion of all these three Sections are to be understood holistically to avoid any inorderliness.

16.Article 59 of the Limitation Act, 1963 stipulates that, to cancel or set aside any instrument or decree for rescission of a contract, the period of limitation is three years. Therefore, even for setting aside an instrument or a decree or for rescission of a contract the period of three years has been contemplated under the Limitation Act, the documents registered several years back or decades back cannot be the subject matter for cancellation of those documents under Section 77-A of the Act.

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20.The powers conferred to the District Registrar to cancel the document under the grounds of fraud or impersonation cannot be expanded for adjudicating the title, ownership or disputed issues between the parties. The District Registrars are empowered to conduct summary proceedings and if the allegations i.e. fraud or impersonation are apparent on the face of the record, then alone the documents registered are to be cancelled but not otherwise. Therefore, the District Registrars cannot conduct a trial nature proceedings by adjudicating the title deeds or other documents produced by the respective parties. Only if prima facie case has been established for cancellation on the ground of fraud or impersonation, then alone the District Registrar has to pass orders for cancellation of document.

....

23.Cancellation of document has got larger repercussion on the civil rights of the persons. Property right is a constitutional right conferred under Article 300A of the Constitution of India. Such a constitutional right can be interfered only by the authority of law and certainly not through the

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summary proceedings. Property right if infringed by conducting a summary proceedings from the hands of the District Registrar, the same would result in an unconstitutionality and therefore, the scope of the powers under the Registration Act to the District Registrars cannot be expanded for the purpose of adjudication of civil disputes or the civil rights, which is conferred through the conveyances, documents etc."

165.In ***Mary Pushpam Vs. Telvi Curusumary and Others*** reported in ***CDJ 2024 SC 015,*** the Hon'ble Supreme Court has held as follows:-

"1.*The rule of 'Judicial Discipline and Propriety' and the Doctrine of precedents has a merit of promoting certainty and consistency in judicial decisions providing assurance to individuals as to the consequences of their actions. The Constitution benches of this court have time and again reiterated the rules emerging from Judicial Discipline. Accordingly, when a decision of a coordinate Bench of same High court is brought to the notice of the bench, it is to be respected and is binding subject to right of the bench of such co-equal quorum to take a different*

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view Neetu Khajuria and refer the question to a larger bench. It is only course of action open to a bench of co-equal strength, when faced with the previous decision taken by a bench with same strength."

166.The Division Bench has already held that Section 77-A cannot have retrospective application. This Court is in perfect agreement with this judgment. Hence, for the reasons stated by us earlier and followed the judgment by Coordinate Bench which is binding, we hold that Section 77-A introduced by amendment in 2022 is **prospective.**

ISSUES [E], [F] AND [G], namely [E]*Whether the recitals in a document presented for registration, can be examined to determine that such document was fraudulently executed or registered? ; [F] Whether a document in which the recitals alone are questioned can be considered only as voidable which would normally necessitate the filing of the suit to set aside the particular document or whether even those documents can be*

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cancelled by the Sub Registrar under Section 77A of the Registration Act; and [G] Whether exercise of power under Section 77A must be restricted to registration of documents in contravention to Section 22-A or 22-B of Registration Act, 1908 alone? :-

167.This Court has already held that Section 77-A is unconstitutional and liable to be struck down. We have also held that Section 77-A is prospective in operation. Therefore, we are not going into Issues [E], [F] and [G] and it is not necessary for us to go into those issues.

CONCLUSION:-

168.For the foregoing reasons, this Court is inclined to dispose of the cases in the following manner:-

WA.Nos.794, 1130/2023:-

169.The above two writ appeals are preferring against the orders passed in WP.Nos.3804/2023 and 13099/2023. WP.No.3804/2023 is filed for issuance of a writ of certiorari to quash the order dated 19.01.2023

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passed by the Inspector General of Registration. WP.No.13099/2023 is filed for issuance of a writ of prohibition, prohibiting the District Registrar from taking any proceedings pursuant to letter dated 06.10.2022.

170.Referring to his own judgments in previous cases on the same subject, Hon'ble Mr. Justice .R.SURESH KUMAR held that a writ petition is not maintainable. Learned Single Judge held that the judgment of Full Bench of this Court in ***Latif Estate Line India Limited's case*** and the judgment of the Hon'ble Supreme Court in ***Satya Pal Anand's case*** cannot be applied in view of the amendment introducing Section 22-A, 22-B, 77-A and 77-B of Registration Act. Strangely, the learned Single Judge also observed that the right of the aggrieved party to go before the District Registrar invoking Section 77-A of the Act cannot be taken away or denoded merely because a civil suit is pending. Similarly, the contention of the petitioner, relying upon the Circular issued by the Inspector General of Registration, was also rejected on the ground that the Circular can only be supplementary to the provisions of the Act and cannot override the

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provisions of the Act. This Court has already seen that a learned Single Judge of this Court in ***E.Geetha Helan Alexandria and Others Vs. The Sub Registrar No.II, Dindigul Sub Registrar Office, Dindigul [WP.[MD].No.6947/2019 dated 02.01.2023]***, has held that Section 77-A is prospective and cannot be applied to documents which were registered prior to the amendment in 2022, introducing Section 77-A. The said judgment was followed in several other judgments. Though the said judgment taking contrary view was not brought to the notice of the learned Single Judge, the pendency of the suit before the Civil Court for the same relief cannot be ignored. In view of our decision on all issues, the **Writ Appeal in WA.No.794/2023 is allowed** and the writ petition in WP.No.3804/2023 stands **allowed.** For the same reasons, **WA.No.1130/2023 is allowed** and the order of the learned Judge in WP.No.13099/2023 is set aside. As a result, WP.No.13099/2023 stands **allowed.**

<u>WA.No.575/2023:-</u>

171.Writ appeal is filed by the writ petitioner, challenging the order passed by the learned Single Judge in WP.No.28912/2023. The writ petition

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was filed challenging the order passed by the District Registrar directing the Sub Registrar to remove certain entries in Book No.1 about the Sale Deed dated 08.12.1987 which is also the parent document. The learned Single Judge accepted the contention of the writ petition that the petitioner has not been given an opportunity and therefore, the impugned order is invalid. Hence, direction was issued to the District Registrar to issue notice to rival claimants before passing fresh orders. Therefore, the order allowing the writ petition is challenged by the petitioner to avoid fresh enquiry. In view of our decision that Section 77-A is unconstitutional, there cannot be an enquiry invalidating any document of conveyance previously registered. Therefore, the order impugned in the writ petition, namely, the order of the District Registrar dated 30.08.2022 is set aside in modification of the order of the learned Single Judge and no fresh enquiry is permissible and is required. Hence, **WA.No.575/2023 is allowed and the writ petition stands allowed.** The order of the District Registrar dated 30.08.2022 is quashed.

172.The following writ appeals are against the order passed by the respective learned Single Judges of this Court either allowing or dismissing

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the writ petitions. The writ petitions have been filed challenging the show cause notices under Section 77-A of the Act for cancellation of Sale Deeds or challenging the show cause notices issued by District Registrars in connection with the enquiry under Section 77-A of the Act. Since this Court has already held that Section 77-A is unconstitutional and that Registrar has no power to cancel the document *dehors* Section 77-A of the Act, the writ appeals and the consequential writ petitions are disposed of as indicated in the following table:-

Writ Appeal No.	***Allowed/Dismissed***	***Writ Petition No.***	***Allowed / Dismissed***
3483/2023	Allowed	29352/2023	Allowed
3459, 3469, 3465/2023	Allowed	29354, 29357 & 29355/2023	Allowed
2918/2023	Allowed	7908/2023	Dismissed
2924, 2917 and 2915/2023	Allowed	7917, 7906 & 7912/2023	Dismissed
850/2023	Allowed	3379/2023	Allowed
2963/2023	Allowed	6448/2023	Allowed
3298/2023	Dismissed	18814/2023	Dismissed
3227/2023	Allowed	19293/2023	Allowed
59/2024	Allowed	19256/2023	Allowed
2386/2023	Allowed	9313/2023	Allowed
2893/2023	Allowed	740/2023	Dismissed

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Writ Appeal No.	*Allowed/Dismissed*	*Writ Petition No.*	*Allowed / Dismissed*
3260/2023	Dismissed	13513/2023	Dismissed
2211/2023	Allowed	17956/2023	Allowed
575/2023	Allowed	28912/2023	Allowed

173. WP.[MD].Nos.8653, 5413, 6457, 6443, 6556, 4983, 5396, 15120, 5492, 5449, 5613, 8999, 5782, 5419, 6333, 6215, 13994, 8421, 6709, 9163, 6686, 11273, 14567, 11121, 8768, 7444, 12885, 5497, 8832/2023 and 14546, 21199/2022 ; 11890, 15105, 15553, 15477, 15020, 8558, 9975, 14353, 10852, 13147, 2734, 10718, 13000, 8095, 10352, 8175, 15129, 15172, 9936, 8653, 7262, 7836, 10818, 12694, 14055, 10729, 9554, 7385, 9919, 13995, 9550, 13330, 11891, 6850, 5399, 8814, 8550, 8765, 6686, 10993 8600, 7920, 9563, 10705, 29682, 10378, 9523, 14402, 9024, 7852, 7052, 9556, 7088, 9120, 14069, 8836, 7958, 7444, 8832,15557, 14567, 11121, 11273, 9024, 9163, 7267, 6709 & 12885 /2023 & WP.No.831/2022 & WP.Nos.7267/2023-

The above writ petitions are filed for issuing directions to respondents to consider the representations of the respective petitioners. The representations of the petitioners in all these cases are to cancel the registration of the documents which are before amendment. Since we have held that Section 77-A is unconstitutional and assuming that it is

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constitutionally valid, it can only operate prospectively, all the following writ petitions are liable to be **dismissed.**

174. <u>WP.Nos.10291/2022, 15128, 31128, 15905, 9125, 8445, 2792, 20907, 19264 & 11009/2023, WP.[MD].Nos.9534, 9770, 5418, 9681, 18274, 14865, 13770, 9691, 5108, 13385, 9638, 4840, 10315, 13824, 6288, 15197, 15822, 18883, 18419, 13642 of 2023 & 4073, 19148/2022:-</u>

The above writ petitions are filed to quash the notice or proceedings issued by the District Registrar / Inspector General of Registration, in exercise of his power under Section 77-A of the Registration Act to cancel the registered document. All the documents which are sought to be cancelled or registration of which are sought to be cancelled, are executed before amendment. Since this Court has now held that Section 77-A is prospective, all the writ petitions are **allowed and the impugned notices or proceedings issued by District Registrar / Inspector General of Registration, in exercise of his power for conducting enquiry under Section 77-A are quashed.**

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175. WP.[MD].Nos.14674, 7704, 8987/2023 ; 16445,/2022 ; WP.Nos.10604/2020, 17719, 12480, 24805, 24610/2022 and 10858/2023.

The above writ petitions have been filed with a prayer for cancellation of documents or for cancelling registration of documents which are long before the amendment came. In view of the decision this Court had taken that Section 77-A as introduced by the amendment is unconstitutional, all the above writ petitions are **dismissed as there is no scope for enquiry now under Section 77-A of the Act.**

176. WP.[MD].Nos.8357, 12208, 13666, 9213, 14121, 13172, 13895, 13746, 3419 of 2023, 8679/2023, WP.Nos.15543, 13188, 22561, 31075, 31079/2023 ; WA.No.2963, 2211, 2386/2023, 575/2024 ; WP.Nos.15557, 13567, 8305, 10525, 22570, 9386, 15825/2023:-

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**

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impugned order passed by the respective District Registrars by invoking the power under Section 77 are set aside.

WP.No.26952/2023:-

177.Since this Court holds that Section 22-B is not unconstitutional, the writ petition is **partly allowed.**

WP.No.4161/2024:-

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 08.11.2017 is declared as unconstitutional. The writ petition stands **allowed.**

179. In view of our conclusions reached above on every point we have

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taken for determination in these cases, this Court finds that there is no scope for entertaining any application under Section 77-A of the Act. Similarly, the power under Section 22-A and Section 22-B of the Act can be exercised only when the jurisdictional issue as indicated in our judgment can be decided on the admitted facts or on the materials which are not in dispute. Till such time the Government frames guidelines in the manner provided by the Full Bench and Division Bench of Andhra Pradesh High Court, the directions issued by the Division Bench of this Court in ***Sudha Ravikumar and Another Vs. The Special Commissioner and Commissioner, HR&CE, Chennai and Others [2017 SCC Online Mad 19191 : 2017 [4] MLJ 445]*** is binding on the Registering Authority and the Registering Authority shall meticulously follow the directions. No costs. Consequently, connected miscellaneous petitions are closed.

[SSSRJ] [NSJ]
02.08.2024

AP
Index : Yes / No
Internet : Yes
Neutral Citation : Yes/No

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To

1.The Inspector General of Registration
Department of Registration,
100, Santhome High Road
Chennai-28.

2.The Additional Inspector General of Registration
Department of Registration,
100 Santhome High Road, Chennai-28.

3.The Deputy Inspector General of Registration
Room No.312, 3rd Floor, Collector Office Building
Salem-1.

4.The District Registrar [Administration]
Salem [East], Salem.

5.The Sub Registrar
Vazhapadi.

6.The Inspector General of Registration
Registration Department
Santhome Home, Chennai.

7.The District Registrar,
Tenkasi District, Tenkasi.

8.The Sub Registrar,
Surandai Sub Registration Office
Surandai, Tenkasi District.

9.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome High Road, Chennai 600 028.

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10.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of Registration
Integrated Registration Office Campus,
Rajakambeeram, Y.Othakadai
Madurai.

11.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of Registration
Ramanathapuram Zone, Ramanathapuram
Ramanathapuram District.

12.The District Registrar,
O/o.The District Registrar,
Ramanathapuram, Ramanathapuram District.

13.The Sub Registrar
O/o.The Sub Registrar [Joint No.1]
Ramanathapuram, Ramanathapuram District.

14.The District Registrar
District Registration Office
Pudukottai District.

15.The Sub Registrar,
Sub Registrar Office, Illuppur, Pudukottai.

16.The District Registrar [Admin]
Registration Department,
Sivagangai District, Sivagangai.

17.The Sub Registrar
Registration Department
Ilayangudi, Sivagangai District.

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18.The Inspector General of Registration
O/o.The Inspector General of Registration
Chennai 600 028.

19.The District Registrar
Office of the District Registrar,
Sivagangai District.

20.The Sub Registrar
Joint Sub Registrar Office I
Sivagangai District.

21.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
2nd Floor, Government Multi Storeyed Building
Kajamalai, Trichy 620 020.

22.The District Registrar [Administration]
O/o.The District Registrar, Pudukkottai District 622001.

23.The Sub Registrar,
O/o.The Sub Registrar,
Kulathur, Pudukkottai District.

24.The Tahsildar
Kulathur, Pudukkottai District.

25.The District Registrar [Administration]
O/o.The District Registrar
Marthandam, Kanyakumari District.

26.The Joint Sub Registrar
O/o.The District Registrar,
Marthandam, Kanyakumari District.

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27.The District Registrar,
Madurai North Registrar Office
Rajakambeeram, Y.Othakadai
Madurai 625 107.

28.The Sub Registrar,
Melur Sub Registrar Office
Madurai District.

29.The District Registrar [Administration]
Madurai [South], [Deputy Inspector General of Registration]
Rajagampeeram, Madurai.

30.The Sub Registrar,
Chellampatti Sub Registration
[Now at Sindhupatti], Sindhupatti
Madurai.

31.The District Registrar
O/o.The District Registrar [South]
Madurai South, No.171, Palace Road
Madurai 625 001.

32.The Sub Registrar,
O/o.The Sub Registrar,
Sholavandan, Madurai District.

34.The Deputy Inspector General of Registration
Trichy Zone, Registration Department
Tiruchirappalli 620 023.

35.The District Registrar,
District Registrar Office
Court Compelx, Tiruchirappalli.

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36.The Sub Registrar,
Sub Registrar Office
Woraiyur, Tiruchirappalli District.

37.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.

38.The District Registrar,
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 107.

39.The Sub Registrar,
Sub Registrar Office
Vadipatty, Madurai District.

40.The Revenue Divisional Officer
Revenue Divisional Office,
Madurai District.

41.The Tahsildar
Tahsildar Office
Vadipatti Taluk,
Madurai District.

42.The District Registrar
Palyamkottai Registration District
District Collectorate,
Thirunelveli 627 009.

43.The District Registrar [Administration]
I/C.Assistant Director of Registration
Madurai South, Madurai.

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44.The District Registrar [Admin]
District Registrar Office,
Tirunelveli District.

45.The Sub Registrar,
Sub Registrar Office
Mulakkaraipatti, Sub Registrar Office
Tiruneveli District.

46.The Inspector General of Registration
O/o.The Inspector General of Registration
100, Santhome High Road, Foreshore Estate
Chennai-28.

47.The District Registrar
O/o.The District Registrar,
Registration Department
Thanjavur, Thanjavur District.

48.The Sub Registrar
O/o.The District Registrar,
Registration Department
Ayyampettai, Thanjavur District.

49.The District Registrar,
Thoothukudi District, Thoothukudi.

50.The Sub Registrar, Perungulam
Sub Registrar Office, Perungulam
Thoothukudi District.

51.The District Registrar
Virudhunagar Registration District
Virudhunagar District.

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52.The Sub Registrar
Seithur Sub Registrar Office
Virudhunagar Registration District.

53.The Deputy Registrar,
Tirunelveli.

54.The Deputy Inspector General of Registration,
O/o.The Registrar General, Trichy District.

55.The District Registrar,
The District Registrar office
Trichy District.

56.The Sub Registrar
K.Sathanoor Sub Registrar Office
Trichy District.

57.The District Registrar
Registration Department
Virudhunagar District,
Virudhunagar.

58.The Sub Registrar,
Registration Office, Rajapalayam.

59.The District Registrar [Administration]
District Registrar Office
madurai [North], Othakadai
Madurai District.

60.District Registrar [Admin]
O/o.The District Registrar
Nallipalayam Post
Namakkal District.

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61.The District Registrar,
District Registrar Office
Thiruppathur Road
Sivagangai, Sivagangai District.

62.The Sub Registrar,
Sub Registrar Office
Nainarkovil, Ramanathapuram District.

63.The District Registrar,
Palayamkottai, Office of the
District Collector's Campus
Kokkirakulam, Tirunelveli.

64.The Sub Registrar,
Nazareth Sub Registrar Office
Tirunelveli District.

65.The District Registrar
O/o.The District Registrar
Behind Superintendent of Police Office
Namakkal, Namakkal District
Pin code 637 304.

66.The Sub Registrar
Tiruchengode
namakkal District.

67.The District Registrar [Registration]
Krishnagiri District.

68.The District Registrar
District Registrar Office

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No.28, Palaniyappa Street
Near Bus Stand, Pattukkottai
Thanjavur District.

69.The Joint Sub Registrar I
Joint I Sub Registrar office
Pattukottai, Thanjavur District.

70.The Joint Sub Registrar II
Joint II Sub Registrar office
Pattukottai, Thanjavur District.

71.The Sub Registrar,
Sub Registrar Office, karuppayaurani
Madurai District.

72.The District Registrar,
Office of the District Sub Registrar
Vandikara Theru, Ramanathapuram.

73.The Sub Registrar,
Kamuthi Registrar Office
Kamuthi, Ramanathapuram District.

74.The District Registrar [Administration]
Collector Office, Nallipalayam
Namakkal.

75.The District Registrar [Administration]
District Registrar Office, Sivagangai.

76.The Sub Registrar
Sub Registrar Office
Thirupuvanam, Sivagangai District.

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77.The District Registrar [Registration]
Dindigul District, Dindigul.

78.The Sub Registrar,
Joint I Sub Registrar Office
Dindigul, Dindigul District.

79.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai 625 001.

80.The District Registrar
O/o.The District Registrar [Madurai South]
No.171, Palace Road, Near Thirumalai Naicker
Palace, Madurai 625 001.

81.The Sub Registrar,
O/O.The Sub Registrar [Madurai South]
No.171, Palace Road, Near Thirumalai Naicker
Palace, Madurai 625 001.

82.The District registrar [Administration]
O/o.District Registrar, Velu Nachiyar
Valakam, Dindigul, Dindigul District.

83.The Sub Registrar,
O/o.Sub Registrar Office
Chinnalapatti, Dindigul District.

84.The District Registrar, [Registration]
Dindigul District, Dindigul.

85.The Sub Registrar,
Sanarpatti Sub Registrar Office, Dindigul District.

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86.The District Registrar,
O/o.The District Registrar,
Court Campus, Cantonment
Trichy 620 001.

87.The Sub Registrar
K.Sathanur Sub Registrar Office
Palani Nagar, Trichy 620 021.

88.The District Registrar, [Registration]
Dindigul District, Dindigul.

89.The Sub Registrar,
Sanarpatti Sub Registrar Office
Dindigul District.

90.The District Registrar [Registration]
Ramanathapuram District, Ramanathapuram.

91.The Sub Registrar,
Kadaladi Sub Registrar Office,
Ramanathapuram District.

92.The District Registrar [Administration]
Madurai South, Madurai.

93.The District Registrar [Administration]
Sivagangai District, Sivagangai.

94.The Sub Registrar
Thiruppurvanam, Sivagangai District.

95.The Secretary for Department of Registration
State of Tamil Nadu, Fort St George
Chennai.

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96.The District Registrar [Admin]
Dindigul.

97.The Revenue Divisional Officer
Kodaikanal Taluk.

98.The Sub Registrar,
Sub Registrar Office
Batlagundu, Dindigul District.

99.The District Registrar [Admn]
Madurai South, O/o.District Registrar,
Madurai South, Palace Road
Madurai 625 001.

100.The Joint Sub Registrar No.IV
Madurai South Registration District
Palanganatham, Madurai.

101.The Tahsildar
Madurai South Taluk
O/o.The District Collectorate
Madurai – 20.

102.The District Registrar [Administration]
District Registrar Office,
Ramanathapuram, Ramanathapuram District.

103.The District Registrar,
The District Registrar Office
Tenkasi.

104.The Sub Registrar,
Pavoochathiram, Tenkasi.

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105.The Sub Registrar,
Thirumangalam Sub Registrar Office
Thirumangalam, Madurai District.

106.The Revenue Divisional Officer
Thirumangalam Sub Division,
Madurai District.

107.The Tahsildar
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

108.The Head Surveyor
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

109.The Surveyor
Thirumangalam Taluk Office
Thirumangalam, Madurai District.

110.The Village Administrative Officer
Vadakarai Village, Thirumangalam Taluk
Madurai District.

111.The Sub Registrar,
Office of the Sub Registrar,
Karungal, Killiyoor Taluk
Kanyakumari District.

112.The District Registrar,
District Registrar Office,
Theni District.

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113.The Sub Registrar,
Cumbam Sub Registrar Office
Theni District.

114.The Sub Registrar,
O/o.The Sub Registrar,
Vadamadurai, Dindigul District.

115.The Joint Sub Registrar II
O/o.The Joint Sub Registrar II
Dindigul, Dindigul District.

116.The District Registrar,
District Registration Office
D.No.1A, Tirupathur Road
Sivagangai District.

117.The District Registrar,
O/o.The Integrated District Registrar Office
SLB Girls Government High School
Near South Road, Nagarcoil
Kanyakumari District.

118.The Sub Registrar,
Edalakudy Sub Registrar Office
Kanyakumari District.

119.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
Integrated Complex of Registration Department
Near Collectorate Campus, Vallam Road, Thanjavur District.

120.The District Registrar
Integrated Complex of Registration Department
Palaniappan Street, Pattukottai

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Thanjavur District.

121.The Sub Registrar,
Sub Registrar office, Pappanadu, Thanjavur District.

122.The District Registrar
Coimbatore.

123.The Sub Registrar,
O/o.The Sub Registrar,
Manadmadurai, Sivagangai District.

124.The Sub Registrar,
Srirangam Sub Registrar Office
Trichy.

125.The District Registrar,
District Registrar office
Ramanathapuram
Ramanathapuram District.

126.The Sub Registrar
Keelakkarai Sub Registrar Office
Keelakkarai,
Ramanathapuram District.

127.The District Registrar [Administration]
O/o.The District Registrar,
Periyakulam Registration District
Periyakulam, Theni District.

128.The Sub Registrar,
Chinnamanoor Sub Registrar Office
Chinnamanoor Town, Theni District.

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129.The District Registrar [Administration]
Registration Department
2nd Floor, O/o.Combined Registration District,
Palani, Dindigul District.

130.The Joint Sub Registrar-1,
Palani, Dindigul District.

131.The Sub Registrar,
Tuvarankurichi, Trichy District.

132.The District Registrar,
Chennai Central, Royapettai
Chennai-14.

133.The Tahsildar
Kalayarkovil, Sivagangai District.

134.The Zonal Deputy Tahsildar
Kalayarkovil, Sivagangai District.

135.The Sub Registrar
O/o.The Sub Registrar Office
Aundipatti, Theni District.

136.District Registrar
Dharmapuri District, Gandhi Nagar
Dharmapuri, Tamil Nadu 636 701.

137.Sub Registrar
Sub Registrar Office, Barur
Krishnagiri District, Krishnagiri 635 201.

138.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration

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Tirunelveli, Behind John Hr.Sec.School
Tirunelveli-2.

139.The District Registrar [Admin]
Railway Feeder Road,
Tenkasi Town, Tenkasi District.

140.The Sub Registrar,
O/o.Nagamalai Pudukootai
[Formerly Arasaradi Sub Registrar's Office]
Madurai.

141.The Joint Sub Registrar No.4
Madurai South, Madurai.

142.The Deputy Registrar General
O/o.The Registration Department
Tiruchi Division, Tiruchi.

143.The District Registrar,
O/o.The Registration Department
No.62, Kamarajar Salai, Srinivasapuram,
Tanjavur District.

144.The Sub Registrar,
O/o.The Joint Sub Registrar,
Thanjavur.

145.The Inspector of Police
District Crime Branch,
Thanjavur.

146.The Sub Registrar,
Tallakulam Sub Registration Office
Madurai.

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147.The District Registrar
Chennai South, [In the cadre of Asst.
Inspector General of Registration]
South Chennai, Chennai 600 035.

148.The Sub Registrar
ECR Road, Neelangarai
Chennai 600 0115.

149.The Sub Registrar,
Sub Registration office
Peravurani Post and Taluk
Thanjavur District.

150.The District Registrar
Administration Coimbatore
Siriyan Church Road
Coimbatore Corporation Kalyana Mandapam
Registration Office, Coimbatore.

151.The Sub Registrar
Sulur, Coimbatore District
Trichy Road, Sulur
Coimbatore.

152.The Tahsildar
Palladam Taluk
O/o.Tahsildar, Palladam
Thiruppur District.

153.The Sub Registrar,
O/o.The Sub Registrar office
Usilampatti, Madurai District.

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154.The Deputy Inspector of Registration
Coimbatore, State Bank Road
Coimbatore 641 018.

155.The District Registrar,
Coimbatore District,
State Bank Road
Coimbatore 641 018.

156.The Joint Sub Registrar II
Rajaveedhi, Coimbatore.

157.The Inspector of Police [L&O]
D2 Police Station, Selvapuram
Coimbatore City.

158.The Superintendent of Police
District Police Office, Pudukkottai,
Pudukkottai District.

159.The Inspector of Police
Land Grabbing Special Cell,
Pudukkottai, Pudukkottai District.

160.The District Registrar,
O/o.The District Registrar
Tenkasi, Tenkasi District.

161.The Sub Registrar,
Sathankulam Sub Registrar Office
Thoothukudi District.

162.The Deputy Inspector General of Registration
Trichy Zone, Registration Department, Tiruchirappalli 620 023.

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163.The District Registrar
District Registrar Office
Court Complex, Tiruchirapalli.

164.The Sub Registrar
Sub Registrar Office
Woraiyur, Tiruchirapalli District.

165.The Sub Registrar of Udumalpet
21, Katcheri Street, Taluk Office Campus
Udumalaipet 642 126.

166.The Revenue Divisional Officer
Udumalpet RDO Office
Udumalpet 641 126.

167.The Superintendent of Police
O/o.The Superintendent of Police
Angeripalayam Main Road
Tirupur 641 603.

168.The Sub Registrar
O/o.musiri Sub Registrar,
Musiri, Trichy District.

169.The Revenue Divisional Officer
Padmanabhapuram, Kanyakumari District.

170.The Tahsildar
Killyoor Taluk, Kanyakumari District.

171.The District Collector,
O/o.The District Collector,
Thanjavur District, Thanjavur.

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172.The District Registrar
O/o.District Registrar
Seenivasapuram, Thanjavur District.

173.The District Registrar
Virudhunagar District, Virudhunagar.

174.The Sub Registrar,
Veerachozhan Sub Registration Office
Virudhunagar.

175.District Registrar [AIG Cadre]
Chennai South, Chennai.

176.The Sub Registrar
Kodambakkam, Chennai

177.The Sub Registrar
O/o.The Sub Registrar
Periyanaickenpalayam
Coimbatore.

178.The District Registrar
Thiruvallur District, Chennai 602 001.

179.The Sub Registrar
Ponneri, Tiruvallur District
Chennai 601 204.

180.The Sub Registrar
Sub Registrar Office
Tiruchendur.

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181.The Deputy Inspector General of Registration
O/o.The Deputy Inspector General of Registration
Integrated Building of Registration Department
Veppamara Street, velappadi, Vellore 632 001.

182.The District Registrar [Administration]
Collector Office Campus, 4th Floor,
C Block, Tirupathur Town,
Tirupathur District Pin 635 601.

183.The Sub Registrar
Natrampalli Sub Registrar Office
Natrampalli, Tirupathur District 635 852.

184.The Sub Registrar,
Nagercoil, Kanyakumari District.

185.The District Registrar,
O/o.Ariyalur District Registrar,
Ariyalur, Ariyalur District.

186.The Sub Registrar,
O/o.Pullambadi Sub Registrar,
Pullambadi, Lalkudi Taluk
Trichy District.

187.The Sub Registrar
Sub Registrar Office
Aruppukkottai,
Virudhunagar District.

188.The Sub Registrar
Sub Registrar Office, Colachel
Kanniyakumari District.

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189.The District Registrar
District Registrar Office
Thanjavur, Thanjavur District.

190.The Sub Registrar
Vallam Sub Registrar Office
Thanjavur District.

191.The Deputy Inspector General of Registration,
Near Johns College, Palayamkottai, Tirunelveli District.

192.The District Registrar [Administration]
Kokkirakulam, Tirunelveli District.

193.The Sub Registrar,
Melapalayam Sub Registrar Office
Melapalayam, Tirunelveli District.

194.The District Registrar
Chengalpattu, JCK Nagar,
Chengalpattu, Tamil Nadu 603 002.

195.Government of Tamil Nadu
rep.by the Secretary to Government
[Legislation], Law Department
St George's Fort, Chennai 600 009.

196.The District Registrar [Administration]
Office of the District Registrar,
No.4/36, Lalkhan Street
Chidambaram 608 001.

197.The Deputy Inspector General Registration
O/o.The Inspector General of Registration
Salem.

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198.The District Registrar [Administration]
Salem East, Salem.

199.The Sub Registrar
O/o.The Sub Registrar, Veerapandi
Salem District.

200.The Sub Registrar,
Thirumayam Registration Office
Thirumayam, Pudukottai District.

201.The Secretary
Commercial Taxes & Registration Department
Tamil Nadu Government
Chennai 600 009.

202.The Sub Registrar,
Kadambur, Kovilpatti Taluk
Thoothukudi District.

203.The District Registrar,
Karaikudi, Sivagangai District.

204.The District Collector
Karur District.

205.The District Registrar,
Registration Department
Karur, Karur District.

206.The Sub Registrar
O/o.The Sub Registrar,
Registration Department
Chinna Tharapuram, Karur District.

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207.The Sub Registrar,
Sub Registrar Office,
Alanganallur, Madurai District.

208.The District Registrar
Idalakudi Sub Registrar Office
SLB Girls Government High School
Near South Road, Nagercoil 629001
Kanyakumari District.

209.The District Registrar
Coimbatore District Registrar Office
Collector office Compound
State Bank Road, Coimbatore 641 018.

210.The Sub Registrar
The Idalakudi Sub Registrar office
Idalakudi, Kanyakumari District.

211.Assistant Inspector General of Registration
O/o.Othakadai Registrar office
1st Floor, Madurai – 23.

212.The Deputy Inspector General of Registration
Department, O/o.Othakadai Registrar Office
1st Floor, Madurai – 23.

213.The District registrar
Chokkikulam Registrar Office
Madurai.

214.The Sub Registrar,
Nazareth, Thoothukudi District.

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215.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer
Trichy District.

216.The Sub Registrar,
No.1, Joint Sub Registrar Office
District Registrar campus
Trichy District.

217.The Sub Registrar
Gujiliamparai Sub Registrar Office
Gujiliamparai, Dindigul District.

218.The Sub Registrar,
Moolaikaraipatty,
Nanguneri Taluk,
Tirunelveli District.

219.The Sub Registrar,
Karugalakudi Sub Registrar Office
Melur Taluk, Madurai District.

220.The Sub Registrar,
Pudur, Thoothukudi District.

221.The Sub Registrar,
Office of the Sub Registrar
Gandhipuram, Coimbatore.

222.The Chief Secretary
Government of Tamil Nadu
Fort St George, Secretariat
Chennai.

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223.The Principal Secretary
Government of Tamil Nadu
Commercial Tax and Registration
Department, Fort St George
Secretariat, Chennai.

224.Union of India
rep.by its Principal Secretary
Department of Home, New Delhi 110 001.

225.District Registrar
O/o.District Registrar
Kuralagam, North Chennai.

226.The District Registrar [Administration]
Chennai South, Integrated Building for
Offices of the Commercial Tax & Registration
Department, Fanepet, Nandhanam, Chennai 600 035.

227.The Joint-I, Sub Registrar South I
Saidapet, Chennai 600 015.

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S.S.SUNDAR, J.
AND
N.SENTHILKUMAR, J.,

AP

Pre Delivery Order in
WP.No.10291/2022 ETC BATCH

02 .08.2024

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