



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17223 of 2016

S.Ramaiah

... Petitioner

Vs.

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

2.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Melapalayam, Tirunelveli District.

3.H.Ummul Hairy Salma Beevi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in pursuance of the impugned order in Appeal No.1 of 2015 on the file of the 1st respondent, dated 01.06.2016 and quash the same as devoid on merits and direct the 2nd respondent to register the returned deed of Power of Attorney in Pending No.22 of 2015, dated 14.10.2015 on the file of the 2nd respondent submitted by the petitioner within the period stipulated by this Court.

For Petitioner : Mr.S.Selvakumar

For R-1 & R-2 : Mr.K.Mahesh Raja,
Government Advocate

ORDER

The Petitioner has filed this Writ Petition challenging the order passed by the District Registrar, Tirunelveli, under Section 72 of the Registration Act.

2. According to the petitioner, against the order passed by the Sub-Registrar, Melapalayam, Tirunelveli District, refusing to register the document submitted by the petitioner, he has filed an appeal before the District Registrar, under Section 72 of the Registration Act. Now the first respondent has also dismissed the appeal filed by the petitioner. Hence, he has filed this Writ Petition challenging the order passed by the District Registrar.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Heard the submissions and perused the materials available on record.



4. Against the order passed by the District Registrar under Section 72 of the Registration Act, only a suit will lie under Section 77 of the Registration Act. In such circumstances, the petitioner cannot maintain a Writ Petition and the only remedy available to the petitioner is to file a suit.

5. In view of the above, this Writ Petition is dismissed. However, liberty is given to the petitioner to challenge the order passed by the District Registrar, Tirunelveli District as per law, if he is so advised. No Costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Melapalayam, Tirunelveli District.

+1cc to M/s.S.Selvakumar, Advocate SR.No.54278

W.P(MD)No.17223 of 2016

19.09.2016

pm
SD/AAL-MPA/29.09.2016/2P/4C