

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.6660 of 2012

G.Kousalya

... Petitioner

Vs

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

2.The Sub-Registrar,
Kavindapadi Sub-Registrar Office,
Kavindapadi, Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings in Na.Ka.No.85/2012 dated 09.02.2012 on the file of the 2nd respondent and quash the same as illegal, incompetent and ultravires and consequently direct the second respondent to register the petitioner sale deed dated 08.02.2012 by considering the petitioner's representation dated 21.02.2012.

For Petitioner : Mr.V.Raghavachari for
Mr.MA.P.Thangavel

For Respondents : Mr.P.P.Purushothaman, AGP

सत्यमेव जयते
O R D E R

The petitioner is before this Court challenging the order passed by the second respondent in Na.Ka.No.85/2012 dated 09.02.2012, refusing to register the documents on certain grounds.

2. When the matter is taken up for hearing, it is found that an appeal is provided before the District Registrar under Registration Act. Unfortunately, without exhausting the appellate remedy which is provided under the statute, the petitioner has knocked the doors of this Court by invoking the extraordinary jurisdiction under Article 226 of the Constitution

of India. When an effective appellate remedy is provided under the statute, the same has to be exhausted before approaching this Court.

3. According to the learned senior Counsel Mr.Ragavachari, since the order is ex facie illegal, this Court can go into the correctness of the order and it is not necessary for the party to approach the appellate forum.

4. However, this Court is of the considered view that the argument advanced by the learned senior counsel, is not a valid submission. The appellate authority can always go into the correctness of the order and if it finds the original order is illegal, it can always set aside the order.

5. In view of the same, the writ petition stands dismissed. However, liberty is given to the petitioner to approach the appellate authority under the relevant statute, within a period of two weeks from the date of receipt of a copy of this order and the appellate authority is directed to dispose of the appeal on merits and in accordance with law, within a period of four weeks thereafter. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

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

2. The Sub-Registrar,
Kavindapadi Sub-Registrar Office,
Kavindapadi, Erode District.

+1cc to Mr.MA.P.Thangavel, Advocate, S.R.No.39419

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