



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.2166 of 2021

A.Selvakumari

... Appellant

vs.

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

2) The District Registrar,
Palayamkottai, Tirunelveli District.

3) Mr.M.Ravikumar,
The Sub Registrar,
Melappalayam,
35/B, Bardos Complex, 1st Floor,
Ambai Road, Melappalayam,
Tirunelveli District.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order dated 08.11.2021 made in W.P(MD)No.19952 of 2021.

Prayer in WP(MD). 19952/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-38. to issue a WRIT OF MANDAMUS, writ or direction in the nature of a writ directing the Respondents 1 and 2 to take disciplinary action against the 3rd Respondent by considering the Petitioners representation dated 05.04.2021 based on the proceedings in Na.Ka.No.39708/C1/2018 dated 04.10.2018 on the file of the 1st Respondent within reasonable time.

For Appellant : Mr.I.Robert Chandrakumar

For Respondents : Mr.P.Subbaraj

Special Government Pleader

JUDGMENT

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The grievance of the petitioner was that despite the representation given by narrating the facts, the 3rd respondent, Sub-Registrar, without conducting the enquiry, refused to register the document. Against that refusal, it appears that the writ petitioner



has already preferred an appeal, under Section 72 of the Registration Act, 1908.

2. As per Section 72, except where the refusal is made on the ground of denial of execution, an appeal shall lie against the order of the Sub-Registrar, refusing to admit a document to registration, to the Registrar to whom, such Sub-Registrar is subordinate.

3. In this case, the refusal is not on the ground of denial of execution. Therefore, rightly an appeal has been preferred. The Writ Court has also directed the appellants to pursue the statutory remedy. We are unable to understand why the writ appeal is filed, despite the statutory remedy is available and also been exercised.

4. Since the appeal is already filed as early as in the month of May 2021, the 2nd respondent, Registrar, is directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the appellant herein.

5. With the above direction, the Writ Appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1) The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Santhome,
Raja Annamalaipuram,
Chennai 600 028.
- 2) The District Registrar,
Palayamkottai, Tirunelveli District.
- 3) The Sub Registrar,
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+1 CC to M/s.SPL GP (SR-38305[F] dated 13/12/2021)

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DATED : 10.12.2021

SR(CO)
KB(23.12.2021) 3P 5C