



W.P.No.8949 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8949 of 2023

and

W.M.P.No.9087 of 2023

S.Kumaravelu

...Petitioner

Vs

1.The District Registrar (Admin),
Tindivanam, Villupuram District,
Tamilnadu - 641 001.

2.The Sub-Registrar,
Vanur Sub-Registrar's Office,
Tamilnadu - 605 109.

3.S.Sentamizh

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the District Registrar (Administration), Tindivanam, Tamil Nadu, the 1st respondent herein, vide his proceedings bearing No.4752/A3/2022 dated 31.01.2023 and quash the same.



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For Petitioner : Mr.P.Suresh Philemon
For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader
For R3 : Mr.V.Sithannan

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. As against the order passed by the first respondent herein under Section 77A of the Registration Act, 1950 (hereinafter referred to as 'the Act'), an appeal lies to the Inspector General of Registration under Section 77B of the Act.

3. The only ground raised in the present Writ Petition is that no show cause notice was issued to the petitioner prior to passing of the impugned order of cancellation of documents. However, the impugned order reveals that the petitioner had participated in the enquiry and had also filed his objections, which has been taken not of by the first respondent herein in the impugned order.



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4. Admittedly, the petitioner was put on notice with regard to the proceedings initiated under Section 77A of the Act and therefore, the petitioner cannot now plead that no prior notice was issued, particularly, when he had participated in the enquiry. As such, when an alternate statutory remedy is available under the Act, this Court, exercising its powers under Article 226 of the Constitution of India, will not entertain the present Writ Petition.

5. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to file a statutory appeal. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The District Registrar (Admin),
Tindivanam, Villupuram District,
Tamilnadu - 641 001.
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