



WEB COPY

W.P.No.11393 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11393 of 2023

P.Kandhasamy

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Office,
Integrated Building Complex,
Kumaragiri Bypass Road,
Near Kailash Manasarovar CBSE School,
Near Udayapatty Power House,
Ammamet,
Salem – 636 014.

2.The District Registrar (Admin),
Office of the District Registrar,
Trichy Main Road,
Namakkal District.

3.T.Madheshwaran

4.S.Thangaraj

5.T.Gopalan

6.T.Ashokan

7.T.S.Ravi



8.E.C.Periyasamy

9.S.Divakar

10.R.Savithri

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings in Mu.Mu.No.6345/A5/2021 passed by the 2nd respondent dated 19.07.2022 and to quash the same as ultra vires, incompetent and in violation of circulars dated 08.11.2017, 09.07.2021 and 25.03.2022.

For Petitioner	: Mr.V.Anandhamurthy
For R1 & R2	: Mr.D.Ravichander, Special Government Pleader
For R5 & R6	: Mr.M.Jaya Murugan
For R3, R4 & R8 to R10	: No appearance
For R7	: Deceased – steps due

ORDER

The order impugned dated 19.07.2022 passed by the 2nd respondent / the District Registrar, Namakkal is an appealable order and the appellate authority is the 1st respondent / the Deputy Inspector General of



Registration. Appeal lies under Section 77(B) of the Registration Act.

Admittedly, the petitioner has not exhausted the appellate remedy contemplated under the statute.

2. The relevance and the importance of the appellate remedy contemplated under the statutes need not be under-minded. The findings based on the records and evidence of the original authority and the appellate authority are of paramount importance for the purpose of considering the issues. Such factual findings would be of greater assistance to the High Court for the purpose of exercising powers of judicial review conferred under Article 226 of the Constitution of India in an effective manner. Thus, exhausting the statutory remedy is a Rule, entertaining the writ petition or dispensing appellate remedy is an exception. Unless the event of any gross injustice, it cannot be of compensated and if the High Court is of an opinion that preferring an appeal would be a futile exercise, then alone the appellate remedy is to be dispensed with and in all other circumstances, the parties must be relegated to exhaust the appellate remedy and thereafter, approach the civil court. In view of the principles, the petitioner is at liberty to prefer an appeal under Section 77(B) of the Registration Act.



With these observations, the writ petition stands disposed of.

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No costs.

14.07.2023

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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