



WEB COPY

W.P.No.21241 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21241 of 2023

and

W.M.P.No.20654 of 2023

A.Munusamy

... Petitioner

Vs.

1.The District Registrar (Administration),
Krishnagiri.

2.R.Rathinammal

3.G.Yellappa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, directing the 1st respondent to call for the records pertaining to impugned order Na.Ka.8206/Voo/2022 dated 15.05.2023 passed by the 1st respondent and quash the same consequently direct the 1st respondent to cancel the Deed of Sale Agreements registered as Document No. 4781 of 2008 and 4782 of 2008 executed in favour of R.Rathnammal, W/o. G.C.Ramasamy and G.Y.Yellappa, S/o. Yellappa registered before the Sub Registrar Office, Krishnagiri as per the amended provision of Registration Act.



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For Petitioner : Mr.K.Sathyabal
For R1 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

The order dated 15.05.2023 passed by the District Registrar is under challenge in the present writ petition.

2. An Appeal is contemplated under Section 77-B of the Registration Act. The petitioner, admittedly has not exhausted the appellate remedy available under the Registration Act.

3. Exhausting the appellate remedy is the rule. Dispensing with the appellate remedy is an exception. The appellate remedy, since efficacious, is to be exhausted before approaching the Court of Law. The findings of the Original Authority and the Appellate Authority would be of greater assistance to the High Court for the purpose of exercise of powers of judicial review under Article 226 of the Constitution of India.



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4. The legislative injunction for providing an appellate remedy is to be followed at all circumstance and the parties need not be deprived of their right of appeal, which is otherwise contemplated under the statute. In the present case, the petitioner has not exhausted the appellate remedy and thus, he is at liberty to file an appeal under section 77-B of the Registration Act in the manner contemplated.

5. With this liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

The District Registrar (Administration),
Krishnagiri.



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S.M.SUBRAMANIAM, J.

Jeni

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