



WEB COPY

W.P.No.21701 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21701of 2023 &
W.M.P.No.21072 of 2023

Marcus Frederick Lazaro

... Petitioner

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2. The District Registrar,
Chennai South,
Integrated Building for Offices of the Commercial taxes
and Registration Department,
Fanepet, Nandanam,
Chennai – 600 035.

3. The Sub Registrar,
Joint II-Saidapet,
Fanepet, Nandanam,
Chennai – 600 035.

4. Augustin Chellappa

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records pertaining to the



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impugned order in Na.Ka. No.21457 /E2 / 2022 dated 12.07.2023 of the 2nd respondent under Section 77A of Registration Act- 1908 to quash the same.

For Petitioner : Mr.K.Jayaraman

For Respondents 1 to 3 : Mr.T.Venkatesh Kumar,
Special Government Pleader

ORDER

The order impugned dated 12.07.2023 has been passed by the District Registrar (Administration), South Chennai under section 77A of the Registration Act is sought to be quashed in the present writ petition.

2. The fourth respondent filed a complaint before the second respondent to cancel the documents on the ground of fraud. The said complaint was allowed in favour of the fourth respondent and thus, the petitioner is constrained to move the present writ petition.

3. Admittedly, the petitioner has not exhausted the appellate remedy contemplated under section 77B of the Registration Act. Exhausting the statutory remedy is the rule and dispensing with the appellate remedy is an exception. High Court may consider dispensing with the appellate remedy, only if there is a gross in-justice and in all other cases, the appellate authority



is empowered to adjudicate both factual and legal grounds. When the statutory remedy is efficacious, the parties need not approach the High Court without exhausting the appellate remedy. Exhausting the appellate remedy is of paramount importance.

4. Thus the petitioner is at liberty to approach the appellate authority under section 77B of the Registration Act.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

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Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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