



WEB COPY



W.P.No.23571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23571 of 2023
and W.M.P.No.23089 of 2023

Elangovan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar [Audit],
Thiruvarur.

3.The Sub-Registrar,
Thiruvarur.

4.Pasaloor Rahaman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of 2nd respondent in his impugned order dated 17.04.2023 in செ.மு.ஆ.எண்.15/2023 and quash the same as arbitrary, illegal, against law and without jurisdiction and consequently direct the respondents 1 to 3 herein to delete



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the document remarks made in Encumbrance Certificate with regard to S.F.No.112/4 in Kattoor village, Thiruvarur Taluk and District about the cancellation order dated 17.04.2023 in செ.மு.ஆ.எண்.15/2023 passed by the 2nd respondent.

For Petitioner : Ms.Mahamandra Rajalakshmi

For R1 to R3 : Mr.D.Ravichander
Special Government Pleader

ORDER

The order passed by the District Registrar under Section 77A of the Registration Act is under challenge in the present writ petition.

2.The learned counsel for the petitioner mainly contended that the District Registrar has no jurisdiction to cancel the document since the document was registered long before.

3.All such grounds may be considered by the Appellate Authority i.e., the Deputy Inspector General of Registration under Section 77B of the Act. Exhausting the appellate remedy is of paramount importance. The right of



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appeal to an aggrieved person need not be denied unnecessarily by the High Court by entertaining the writ petition and in such circumstances, the parties are to be relegated to approach the Appellate Authority. The findings of the Appellate Authority on factual aspects would be of greater assistance to the High Court for the purpose of exercise of the power of judicial review under Article 226 of Constitution of India. Thus the petitioner is at liberty to prefer an appeal under Section 77A of the Registration Act and in the event of filing any such appeal, the Appellate Authority is bound to adjudicate the issue on merits and pass orders as expeditiously as possible.

4. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

Index : Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes /No
cse



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S.M.SUBRAMANIAM, J.

cse

To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The District Registrar [Audit],
Thiruvarur.
- 3.The Sub-Registrar,
Thiruvarur.

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