



WEB COPY

W.P.No.24947 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24947 of 2023

and

W.M.P.No.24380 and 24381 of 2023

B.Vanisree

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2. The District Registrar,
Nagapattinam,
Nagapattinam District.

3. The Sub-Registrar,
Nagoor,
Nagapattinam District.

4. The Tahsildar,
Nagapattinam,
Nagapattinam District.

5. Mohamed Kuthbudeen
Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the record of the order dated



15.06.2023 passed by the 2nd Respondent vide reference No.Na.Ka.No.2672/A5/2022 by cancelling the document No.1873 of 2011 on the file of the 3rd Respondent, SRO, Nagoor, Nagapattinam District, executed by the petitioner, by exercising power conferred under section 77A of the Registration Act, 1908.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondents 1 to 4 : Mr.T.Venkatesh Kumar,
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 fifth respondent filed a complaint before the District Registrar under section 77A of the Act to cancel the document No.1873 of 2011 which was executed by the writ petitioner. The said complaint filed by the fifth respondent was allowed by the District Registrar.

3. The petitioner raised several grounds on merits to quash the order impugned passed by the District Registrar. However, the petitioner has not exhausted the appeal remedy under section 77B of the Act. The appellate remedy is efficacious.



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4. The learned counsel for the petitioner brought to the notice of this Court that the petitioner has already preferred an appeal before the Inspector General of Registration which is pending.

5. That being the factum, the petitioner is at liberty to pursue the appeal which has already been filed.

6. In view of the facts and circumstances, the Appellate authority shall consider the appeal and dispose of the same as expeditiously as possible by following the procedures and by affording opportunity to all the parties.

7. With this direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2023

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Index : Yes

Speaking order



To

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Nagapattinam District.

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S.M.SUBRAMANIAM, J.

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