



WEB COPY

W.P.No.25109 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25109 of 2023

and

WMP.Nos.24538 and 24540 of 2023

Jayarama Reddy

... Petitioner

Vs.

1.The District Registrar,
Krishnagiri District,
Krishnagiri.

2.Bharath

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records with respect to the impugned proceedings of the 1st Respondent in Na.Ka.No.8395/U/2021, dated 30.06.2023 purportedly issued under section 77A of the Registration Act, quash the same.

For Petitioner : Mr.J.Pradeep

For Respondent 1 : Mr.E.Sundaram
Government Advocate



ORDER

WEB COPY The order dated 30.06.2023 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 subject document was registered in the year 2014, which is now cancelled by exercising the powers conferred under section 77A of the Registration Act by the District Registrar which is impermissible.

3. Section 77A cannot be exercised to cancel the documents, which were registered before the amendment made under section 77A of the Act with effect from 16.08.2022. Thus, the District Registrar has exercised the powers excessively. However, the order impugned indicates that the petitioner has got a right of appeal under section 77B of the Registration Act. All such legal and factual grounds may be raised by the petitioner by preferring an appeal.

4. Appellate remedy contemplated under the Statute is an efficacious



one. The importance of appellate remedy at no circumstances be undermined by the High Court. An aggrieved person need not be deprived of the right of appeal unnecessarily. Only on certain exceptional circumstances, in the event of gross injustice, the High Court would entertain a writ petition by dispensing with the appellate remedy and in normal circumstances, an aggrieved person is expected to exhaust the appellate remedy contemplated under the statute in the manner known to law. Thus, the petitioner is at liberty to raise all the grounds raised in the present writ petition and submit the judgments before the appellate authority by preferring an appeal as stipulated in the order impugned.

5. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2023

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Index : Yes
Speaking order



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To

1.The District Registrar,
Krishnagiri District,
Krishnagiri.



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S.M.SUBRAMANIAM, J.

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