



W.P.(MD) No.12475 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD) No.12475 of 2023

and

W.M.P.(MD) Nos.10555 and 10556 of 2023

V.Moorthy

...Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome Highways,
Pattinapakkam, Chennai-600 028.
2. The District Registrar (Admin),
Madurai North, Tnau Nagar,
Rajakambiram, Y.Othakadai, Madurai.
3. The Revenue Divisional Officer,
Melur, Madurai District.
4. The Tahsildar,
East Taluk Officer, Madurai District.
5. The Taluk Surveyor,
East Taluk, Madurai District.
6. The Sub Registrar,
Y.Othakadai, Madurai District.
7. S.Madan
8. P.Sekar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in No.5062/Aa2/2022 dated 03.03.2023 passed by the respondent No.2 and quash the same as illegal and consequently forbear the respondent No.4 and 5 from surveying the property in S.No.120/24 in Pudupatti Village, Madurai District till the disposal of the Patta cancellation proceedings pending on the file of the 3rd respondent in Na.Ka.No.5812/2022/B4 within time stipulated by this Honourable Court.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R1 to R6
Mr.S.Ramakrishnan for R7 & R8

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The order impugned in the present writ petition is one under Section 77-A of the Registration Act, 1908. As against the said order, an appeal remedy is provided under Section 77-B of the Registration Act. The grounds raised by the petitioner herein, touches upon the merits of



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the reasonings adopted by the first respondent while passing the impugned order, which could be raised only by way of filing of an appeal and since the petitioner has not raised any such grounds, which could be exceptions for filing the writ petitions without availing the appellate remedy, the present writ petition cannot be maintained. Though the impugned order is dated 03.03.2023, it was served on the petitioner only on 14.05.2023. The postal receipt of despatch dated 12.05.2023 has been produced before this Court. As such, the petitioner would be entitled to file appeal within thirty days from 14.05.2023. In this background, the petitioner is granted liberty to file appeal before the concerned appellate authority as against the impugned order.

3. In the light of the above observations, the Writ Petition stands closed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

25.05.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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