



WP(MD)No.16320 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD).No.16320 of 2023

B.Mariyal

... Petitioner

Vs

1.The Deputy Inspector General,
Of Registration,
Deputy Inspector General Office,
Combined Registration Department Office,
St.Marks Street, Near Sankar Colony,
Behind John Higher Secondary School,
Tirunelveli – 627 002.

2.The District Registrar,
Registration Department,
Tenkasi,
Tenkasi District.

3.The Sub Registrar,
Sub Registration Office ,
Pavoorchathram,
Tenkasi District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to pass final order based on the petitioner's Appeal dated 06.03.2023 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner has made an application under Section 72 of the Registration Act that the document, which has been registered by the respondent is a fraudulent one and he has filed this writ petition for a Mandamus, directing the first respondent to pass orders on his appeal, dated 06.03.2023.

2.Section 72 of the Registration Act is for the appeal to Registrar from the orders of the Sub Registrar refusing to admit a



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document to registration. Here, in this case, the petitioner has preferred an appeal under Section 72 of the Registration Act that the document has been fraudulently registered. For better appreciation, Section 72 of the Registration Act is extracted as under:-

72.Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution:-

(1)Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2)If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon



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shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

3. Since the appeal filed by the petitioner itself is under the wrong provision of law, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to file an appeal afresh under the correct provision of law. No costs.

11.07.2023

NCC : Yes / No.
Index : Yes / No.
vrn



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B.PUGALENDHI, J.

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