



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.199 of 2024

G.S.Kandasamy

...

Appellant

-VS-

1.The District Registrar,
Registration Department,
Erode – 9.

2.S.Nallasivam

...

Respondents

Appeal under Clause 15 of the Letters Patent against the order, dated
08.06.2023, passed in W.P.No.16993 of 2023.

For Appellant : Mrs.T.Tamilselvi
for Mr.C.Prakasam

For Respondent 1 : Mrs.Meera Arumugam



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JUDGMENT
(By *S.Vaidyanathan,J.*)

This *intra court* appeal has been preferred against the order of the learned single Judge, dated 08.06.2023, passed in W.P.No.16993 of 2023.

2. The respondent authority, by the order, dated 07.01.2021, has held that the remedy lies before the Civil Court and the issue of forgery of documents cannot be gone into by the authority. It is further stated therein that if the appellant is aggrieved, he is entitled to prefer an appeal before the appellate authority within 60 days .

3. The appellant would contend that in view of the amendment to Section 77-A of the Registration Act, the authority is empowered to decide the issue in question.

4. Even assuming for the sake of argument that the above said contention is accepted, the appellant will have to knock the doors of the appellate authority, as could be seen from the penultimate paragraph of the order of the authority. In view of the above, we are not inclined to accept the contention and reject the same, permitting the appellant to prefer an appeal before the appellate authority within 30 days from the date of receipt of this order, in which event, the appellate authority is directed consider the same and pass appropriate orders on merit and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of three months thereafter. We make it clear that the appellant is at liberty to place all factual and legal submissions before the appellate authority for a decision to be taken.



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5. Writ Appeal is disposed of accordingly. No costs.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
05-01-2024

To

The District Registrar,
Registration Department,
Erode – 9.



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AND
K.RAJASEKAR,J.

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