

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.Nos.3916 and 3917 of 2015

T.C.Thimmichetty .. Petitioner in W.P.No.3916 of 2015

Chinnammal .. Petitioner in W.P.No.3917 of 2015

Versus

1. The District Registrar (Admin)
District Registrar Office
Krishnagiri.

2. The Sub Registrar
Sub Registrar Office
Pochampalli.

.. Respondents in all W.Ps.

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the order in Nos.260/2015/A1 and 259/2015/A1 dated 22.01.2015 passed by the first respondent; to quash the same and to consequentially direct the first respondent to entertain the appeal filed by the petitioner against the order passed by the second respondent in Refusal Nos.5 and 4 of 2014 dated 19.12.2014.

For Petitioner : Mr.R.Marudhachalamurthy
in both W.Ps.

For Respondents : Mrs.P.Rajalakshmi

in both W.Ps. Government Advocate for R1 & R2

COMMON ORDER

Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioners, and Mrs.P.Rajalakshmi, learned Government Advocate appearing on behalf of the respondents.

2. Both these writ petitions have been filed seeking to quash the impugned orders passed by the first respondent dated 22.01.2015 in rejecting the appeals preferred by the petitioners as against the order passed by the second respondent dated 19.12.2014 in refusing to register the Settlement Deeds presented by the petitioners.

3. The impugned orders have been passed stating that the petitioners have preferred the appeal beyond the period of limitation, viz., 30 days. According to the petitioners, they have filed the appeal on 19.01.2015 and the 30 days period ended on 18.01.2015. According to them, as 18.01.2015, being a Sunday, they presented the appeal papers before the first respondent on the very next day and therefore, they submitted that the appeals filed by them is not barred by limitation. Even assuming that the petitioners have not presented the appeal papers within the stipulated time, at best, the delay could be only one day and the first respondent being the competent authority, could have condoned the said delay, if sufficient cause is shown by the petitioners. Accordingly, the petitioners would pray for setting aside the impugned orders.

4. On a perusal of the typed set of papers, it is seen that the petitioners have shown reasonable cause for the one day delay, i.e., 18.01.2015, being a Sunday, they submitted the papers on the very next day and the Appellate Authority could have very well condoned the said delay and entertained the appeals. However, without doing so, the Appellate Authority rejected the appeals without any valid reason.

5. In the light of the above, the impugned orders dated 22.01.2015 passed by the first respondent are set aside and the writ petitions are allowed. The first respondent is further directed to entertain the appeals preferred by the petitioners dated 19.01.2015, if it is otherwise in order and dispose of the same on merits and in accordance with law. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The District Registrar (Admin)
District Registrar Office, Krishnagiri.
2. The Sub Registrar
Sub Registrar Office, Pochampalli.

+ 2 ccs to Mr.R. Marudhachalamurthy, Advocate Sr.8129
+ 1 cc to Government Pleader Sr.8442

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SSI (CO)

Eu 25.02.15