

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4152/2015 & MP.no.1/2015

S.Ramachandran

..Petitioner

Versus

1.The Chief Controlling Authority
Inspector General of Registration
Santhome High Road, Chennai.

2.The District Revenue Officer [Stamps]
Coimbatore.

3.The Special Tahsildar [Stamps]
Gobichettipalayam.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the appeal filed by the petitioner along with the condone delay petition and consequently, direct the respondents 2 and 3 not to make recovery proceedings till the disposal of the appeal filed by the petitioner before the 1st respondent.

For Petitioner : Mr.S.Ramesh Kumar
For R1 to R3 : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.S.Ramesh Kumar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the 1st respondent to consider the appeal filed by the petitioner along with the condone delay petition and consequently, direct the respondents 2 and 3 not to make recovery proceedings till the disposal of the appeal filed by the petitioner before the 1st respondent.

3.The petitioner is aggrieved by the order dated 03.09.2010 passed by the District Revenue Officer [Stamps], Coimbatore/the 2nd respondent herein. According to the petitioner, he was not communicated with the order and therefore, he filed an application for grant of certified copy of the order which was issued to him only on 21.12.2011. Therefore, he presented the appeal on 24.12.2011 within one month from the date on which he received the certified copy. However, the authority passed an order on 17.02.2012 stating that there is a delay in filing the appeal and the same cannot be considered on merit. The petitioner has now filed an application for condonation of the delay, supported by an affidavit.

4.In the light of the above, there will be a direction to the 1st respondent to consider the petitioner's application for condonation of 444 days delay in filing the appeal by considering the cause shown in the affidavit filed in support of the said condone delay application and thereafter, proceed in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Chief Controlling Authority
Inspector General of Registration
Santhome High Road, Chennai.

2.The District Revenue Officer [Stamps]
Coimbatore.

3.The Special Tahsildar [Stamps]
Gobichettipalayam.

+ 1 cc to Mr Government Pleader Sr.9143

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RV(CO)
EU 2.03.15