

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15054 of 2016

R.Veeraiyan

... Petitioner

vs.

1.The District Registrar,
Nagapattinam & District.

2.The Sub Registrar,
Thirupoondi,
Keezhvelur Taluk,
Nagapattinam & Dist.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent to consider the appeal, which was filed by the petitioner before the first respondent under Section 72 of the Registration Act, 1908 with positively.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the appeal filed by him before the first respondent under Section 72 of the Registration Act, 1908.

2. According to the petitioner, he executed a settlement deed dated 05.08.2015 in respect of the property in R.S.No.66/9 Punjai 1216 sq.mts (13080 sq.ft) in Patta No.190, measuring to a total extent of 1650sq.mt. in Velankanni Revenue Village, Keezhvelur Taluk, Thirupoondi Sub Registrar and Nagapattinam District, in favour of his wife Vijayarani and he presented the same for registration. However, the second respondent by an order dated 30.10.2015 informed the petitioner to get back the document, as it was treated as incomplete document bearing No.13/2015, on the ground that the first

respondent by his proceedings in Na.Ka.No.1732/A1/2015 dated 29.09.2015, has refused to register the same. Challenging the same, the petitioner preferred an appeal before the first respondent under Section 72 of the Registration Act and the same is pending without any progress.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the limited nature of the relief sought for herein, without expressing any opinion with regard to the merits of the claim projected by the petitioner, this Court directs the first respondent to dispose of the appeal filed by the petitioner against the order dated 30.10.2015 passed by the second respondent, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Registrar,
Nagapattinam & District.

2.The sub Registrar,
Thirupoondi, Keezhvelur Taluk,
Nagapattinam & Dist.

+1cc to Mr.P.Vijendran, Advocate sr.26438
+1cc to the Government Pleader Sr.25879

W.P.No.15054 of 2016

ksj (CO)
srg(23/05/2016)