

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31231 of 2017

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings of the second respondent vide Endot.No.G/ 1374/ 2017, dated 20.07.2017 in rejecting the appeal filed against the Refusal orders of the third respondent vide letter No.R.O/ TPT/ Refusal No.217/ 2017, dated 20.04.2017, on the ground of limitation, as illegal, arbitrary and contrary to the Registration Act, 1908; and consequently to set aside the impugned proceedings by directing the second respondent to entertain the appeal on merits filed by the petitioner against the refusal of the third respondent.

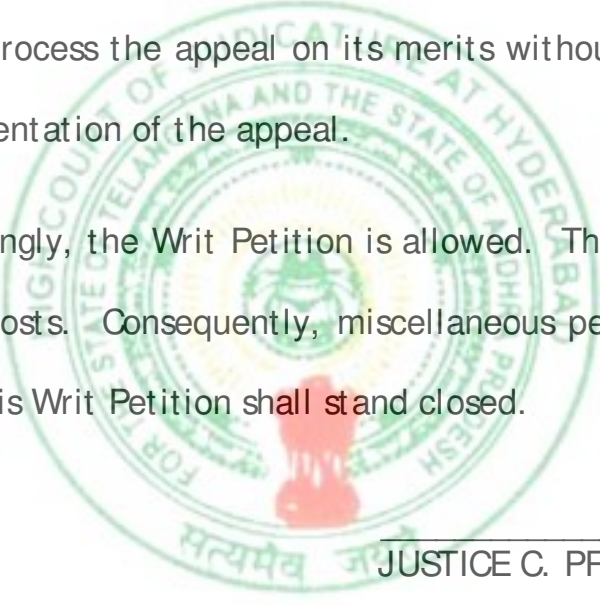
2) Heard learned counsel appearing for the petitioners and Government Pleader for Revenue.

3) A perusal of the order of the District Registrar dated 20.07.2017, rejecting the appeal of the petitioners would show that he failed to assign reasons as to when the order of the Joint Sub-Registrar was communicated to the petitioners etc. If the decision of the refusal is made in the presence of the parties, it can safely be inferred the date of knowledge. Hence an appeal should be preferred within 30 days thereon and if the order is passed later, the date of communication of the order of refusal or any other date claimed by the individual, about the knowledge of

refusal, shall be the date of knowledge. The order of the District Registrar is silent as to when the refusal order was communicated to the petitioners. Stand of the petitioners is that when she approached the third respondent on 20.07.2017, they came to know about the refusal and immediately thereafter they preferred appeal.

4) Having regard to the above facts, the rejection on the ground that appeal was not filed within 30 days is not valid and the same is *set aside* on that ground and the second respondent is directed to process the appeal on its merits without reference to delay in presentation of the appeal.

5) Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

18.09.2017
gkv