

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.30452 and 30454 of 2018

G.Sumithra .. Petitioner in WP 30452/18
S.Karuppasamy .. Petitioner in WP 30454/18

Vs.

1. The District Registrar,
Thirupur.

2. The Sub Registrar,
Avinashi,
Thirupur District.

... Respondents in both the
Petitions

PRAYER : Writ Petitions filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus,

(i) to call for records of 1st respondent in
Na.Ka.No.6796/A1/2018 dated 29.10.2018 and quash the same and
consequently direct the respondents to release the pending
document No.268/2018 dated 09.07.2018. (in WP 30452/18)

(ii) to call for records of 1st respondent in
Na.Ka.No.6795/A1/2018 dated 29.10.2018 and quash the same and
consequently direct the respondents to release the pending
document No.267/2018 dated 09.07.2018. (in WP 30454/18)

For Petitioner : Mr.S.Kumaresan
(in both the petitions)

For Respondents : Mr.T.M.Pappiah
(in both the petitions) Special Government Pleader

C O M M O N O R D E R

The Writ Petitions have been filed seeking to quash the
proceedings of the first respondent in Na.Ka.No.6796/A1/2018
dated 29.10.2018 and Na.Ka.No.6795/A1/2018 dated 29.10.2018
respectively and consequently direct the respondents to release
the pending document Nos.268/2018 and 267/2018 dated 09.07.2018

to the petitioners.

2. Heard Mr.S.Kumaresan, learned counsel appearing for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents in both the petitions.

3. According to the learned counsel for the petitioners, the petitioners have purchased the property mentioned in the petitions from one Dhamodarasamy, and the document was executed on 09.07.2018 and the registration was kept pending in P.267/2018 and P.268/2018 by the 2nd respondent. The reason for keeping the documents in pending is that the boundaries in Survey Nos.194/4, 194/1 have been described, whereas, the previous document in Doc.No.1375 of 2010, did not contain any boundary description.

4. An appeal was preferred by the petitioner to the 1st respondent, however, the same was rejected on the simple ground that the Appeal was not filed within 30 days in compliance of Section 72 of the Registration Act. It is an admitted fact that the proceedings of the 2nd respondent was made on 17.09.2018, whereas, it was served by post on 26.09.2018 only, and the appeal was filed within 30 days from the date of receipt of a copy of the order impugned in the Appeal. The Appellate Authority has computed the period of limitation from the date of passing of the order without adverting to the fact that the same was not communicated to the petitioners on the same date. The verification of the seal on the postal envelope shows that the order impugned in the appeal was delivered to them on 26.09.2018, hence the appeal is filed within the time. Hence, this Court is constrained to set aside the order.

5. Accordingly, the impugned order of rejecting the appeal of the petitioners are set aside and the 1st respondent is directed to consider the appeals and afford the petitioners an opportunity of personal hearing by conducting enquiry and pass appropriate orders thereafter. The said exercise should be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

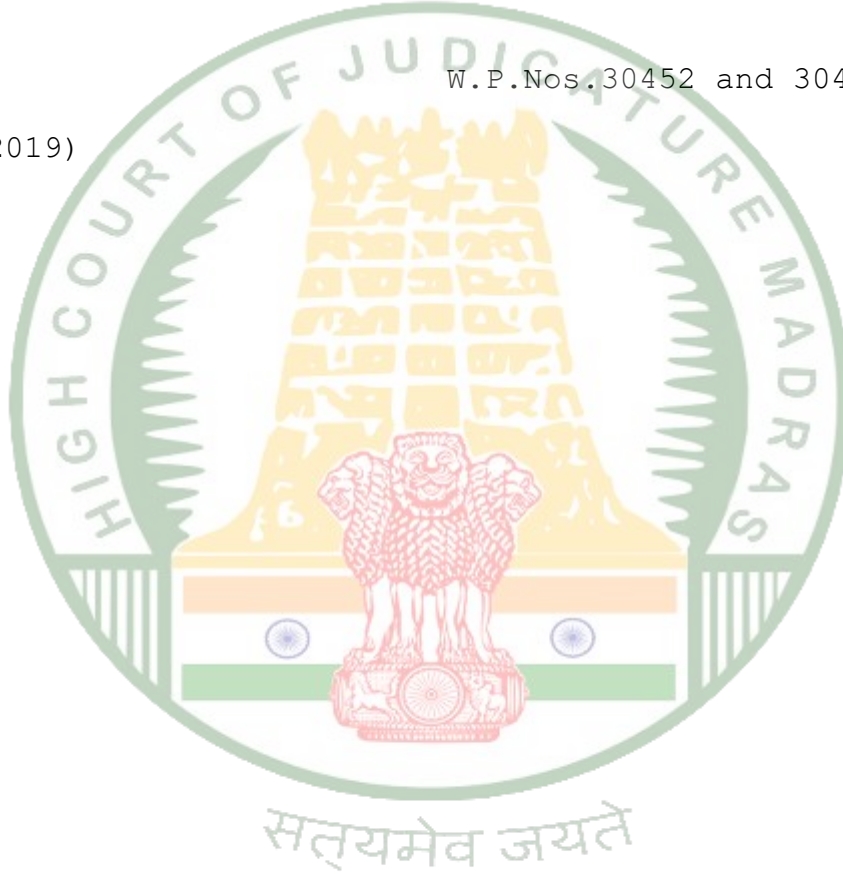
To

1. The District Registrar,
Thirupur.
2. The Sub Registrar,
Avinashi,
Thirupur District.

+2cc to Mr.S.Kumaresan, Advocate, S.R.No.82806
+1cc to the Government Pleader, S.R.No. 83617

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GJII(CO)
GN(05/02/2019)



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