



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.22699 of 2018

M.Ramasamy

... Petitioner

-Vs-

1. The Inspector General,
Department of Registration,
100, Santhome High Road,
Chennai - 28.
2. The District Registrar,
Department of Registration,
Karur District, Karur.
3. The Sub Registrar,
West Karur Registration Office,
Karur.

.. Respondents

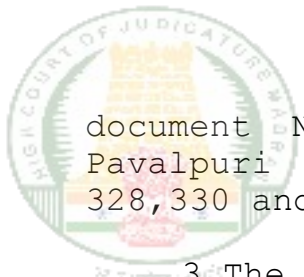
Prayer: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus direct the 2nd respondent to dispose the petitioner's appeal dated 15.09.2018 under Section 72 of the Registration Act 1908 and pass such any other orders as this Honble Court may deem fit and proper.

For Petitioner : Mr.P.Muthusamy
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The petitioner has prayed for writ of mandamus directing the second respondent to dispose of the appeal, dated 15.09.2018 as per Section 72 of the Registration Act 1908.

2.The petitioner submits that his family owned cultivable lands in S.No.332/4. After his father's death, the same was partitioned between the petitioner and his brother Kandasamy and the partition deed was produced before the third respondent on 27.08.2018 in TP/3748203/18 for registration. The third respondent had not registered the same, but asking for certificate from Village Administrative Officer to the effect that the said land is an agricultural land. The petitioner has also obtained the same and produced before the third respondent. But, he has not registered the partition deed by stating that the said land in S.No.332/4 has been classified as plots. The petitioner would submit that his land was not promoted as plots and it is only an agricultural land. In



document No.202/13, which has been registered in the name of Pavalpuri Town, they have wrongly included the survey numbers 328,330 and 332 and classified as plots.

3.The petitioner would plead that his land has been maintained as agricultural land from the date of partition and he has produced the documents. Hence, he has filed an appeal before the second respondent seeking a direction to the third respondent to register the document. Till date, the said appeal has not been considered by the second respondent and it is pending. Due to the said non registration, the petitioner put to irreparable loss and he seeks the intervention of this court to give a direction to the second respondent to dispose of the appeal under Section 72 of the Registration Act.

4.This Court is inclined to pass an order in favour of the petitioner. The second respondent is directed to consider the appeal filed by the petitioner dated 15.09.2018 and pass appropriate order, after giving him an opportunity of personal hearing in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector General,
Department of Registration,
100, Santhome High Road, Chennai - 28.

2. The District Registrar,
Department of Registration,
Karur District, Karur.

3. The Sub Registrar,
West Karur Registration Office,
Karur.

+ 1 CC TO Mr.P.MUTHUSAMY, ADVOCATE IN SR No. 95366

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 95198

TM

TE/BK/SAR-1 : 13/12/2018 : 2P/6C

W.P. (MD) No.22699 of 2018
13.11.2018