

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No. 381 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard the learned Government Pleader for Revenue (Assignment) and Sri E.V.V.S. Ravi Kumar, learned counsel for the respondent-writ petitioners and, with their consent, the Writ Appeal is disposed of at the stage of admission.

This appeal is preferred against the order passed by the learned Single Judge in W.P. No. 39254 of 2017 dated 30.11.2017. Respondents 1 and 2 herein filed the said Writ Petition seeking a mandamus to declare the proceedings of the District Collector dated 1.6.2017, and the order passed by the Joint Sub-Registrar dated 27.10.2017, as illegal, arbitrary and in violation of the provisions of the Registration Act, 1908.

While the Writ Petition was filed on 17.11.2017, the order under appeal came to be passed less than two weeks thereafter on 30.11.2017 whereby the Writ Petition was allowed at the stage of admission, even without giving the appellants herein a reasonable opportunity of being heard. While we were initially inclined to admit the appeal and grant stay, Sri E.V.V.S. Ravi Kumar, learned counsel for the respondents herein (petitioners in the Writ Petition), would submit that, instead, the order under appeal be set aside, the Writ Petition be restored to file, and a timeframe be fixed within which the appellants should be directed to file their counter-affidavit.

In the light of the submission of the learned counsel for the respondent-writ petitioners, the order under appeal is set aside. The Writ Petition is restored to file. The appellants herein (respondents in

the Writ Petition) shall file their counter-affidavit within four weeks from today. It is open to Sri E.V.V.S. Ravi Kumar, learned counsel for the respondent-writ petitioners, to request the learned Single Judge to take up the Writ Petition for admission any day after four weeks.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

12th March, 2018

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(KONGARA VIJAYA LAKSHMI, J)



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Date: 12.3.2018

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