

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4130 of 2019
and
WMP.Nos.4638 & 4640 of 2019

1.P.Vinoth

2.P.Benny

...Petitioners

Vs.

1. The Sub-Registrar
Ganapathy, Coimbatore District.

2. M.Easwaran

3. Thamilarasi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in No.586/2017 dated 31.12.2017, quash the proceedings and direct the 1st respondent to register the sale deed presented on 01.12.2017.

For Petitioners : Mr.S.N.Kirubanandam
For Respondents : Mr.P.P.Purushothaman
Government Advocate for R1

O R D E R

सत्यमेव जयते

Mr.P.P.Purushothaman, learned Government Advocate takes notice for the first respondent. Since this writ petition is being disposed of without affecting the interest of the respondents 2 & 3 directly in any manner, notice to them is dispensed with.

2. The petitioners are aggrieved against the order of the first respondent dated 31.12.2017 in refusing to register the sale deed presented by the petitioners on 01.12.2017 by stating certain reasons.

3. Though the present writ petition is filed by the petitioners by raising very many contentions on the

merits of the matter touching upon the reasons stated by the first respondent in refusing to reject the registration, this Court, at this stage, is not inclined to go into such merits of the matter, as admittedly, the petitioners are having an appellate remedy before the District Registrar, Coimbatore, as against the order passed by the first respondent. Without filing such appeal, the petitioners are not entitled to maintain the present writ petition, more particularly, when the contentions raised by the petitioners are to be considered by the Appellate Authority, being the fact finding authority as well.

4. Therefore, without expressing any view on the merits of the claim made by the petitioners, this writ petition is disposed of, only by granting liberty to the petitioners to file an appeal before the concerned Appellate Authority viz., the District Registrar, Coimbatore, also by explaining the delay in filing such appeal with appropriate application. If any such appeal is filed with delay application, it is for the said authority to consider and pass orders on the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)
//True Copy//
Sub Assistant Registrar

mk

To
The Sub-Registrar
Ganapathy, Coimbatore District.

+1cc to Mr.S.N.Kirubanandam , Advocate SR.No. 12998
+1 CC TO GOVERNMENT PLEADER SR.NO. 13477

A.SK(15/02/2019) W.P.No.4130 of 2019