



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.22020 of 2019

R.Lakshmi

... Petitioner

/Vs./

1.The Sub-Registrar, Chettikulam.

2.The District Registrar, Jeyankondom Road,
Min Nagar, Ariyalur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 26.07.2019 the petitioner regarding remaining unsold plots in Universal city layout in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.A.Ramesh

For Respondents : Mr.V.Anand

Government Advocate

ORDER

Mr.A.Ramesh, learned counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate, who accepts notice on behalf of both the respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. Short facts shorn of unnecessary details are that the writ petitioner presented a sale deed dated 15.07.2019 for registration in the office of the first respondent, who, this Court is informed is the jurisdictional Sub Registrar; that the first respondent jurisdictional Sub Registrar refused to register the said sale deed and issued a refusal check slip signed on 15.07.2019 i.e., on the same day (to be noted, the sale deed was presented on 15.07.2019); that the writ petitioner has sent a detailed representation *inter alia* to the second respondent regarding refusal check slip stating that the same is incorrect and this representation is dated 26.07.2019. Though the representation does not contain date, the case file placed before this Court reveals that this representation has been despatched to the second respondent by speed post with acknowledgement due on 26.07.2019 and the same has been received by the office of the second respondent on 29.07.2019.

4. Learned State counsel points out that against the refusal check slip a statutory appeal is available to the writ petitioner under Section 72 of 'The Registration Act, 1908' (hereinafter referred to as 'said Act' for the sake of brevity, clarity and



convenience) read with 'The Tamil Nadu Registration Rules, 1983' (hereinafter referred to as 'said Rules' for the sake of brevity).

5. To be noted, appeal is under Section 72 of the said Act r/w Rule 166 of said Rules ('r/w' stands for 'read with'). Therefore, it emerges clearly that an alternative remedy is available to the writ petitioner and the issue turns heavily/largely on examination of records and certain facts, which need to be gone into. Therefore, on the facts and circumstances of instant case, this Court is of the considered view that this is a fit case to relegate the writ petitioner to alternate remedy by way of statutory appeal to the appellate authority for the writ petitioner to exercise his alternate remedy.

6. There is no disputation or disagreement before this Court that the second respondent is the appellate authority for an appeal under Section 72 of the said Act r/w Rule 166 of said Rules.

7. In the aforesaid backdrop, the aforesaid representation mailed on 26.07.2019 (Page Nos.20 to 22 of the typed set of papers forming part of the case file) and received by the office of the second respondent on 29.07.2019 shall be treated as an appeal under Section 72 of said Act r/w Rule 166 of the said Rules. Second respondent is directed to hear the same as an appeal on its own merits, in accordance with law and dispose of the same as expeditiously as his pending similar appeals list would permit.

8. Though obvious, it is made clear that this Court has not expressed any view or opinion on the merits of the matter and therefore, the second respondent appellate authority shall dispose of the appeal uninfluenced by any observation made in this order.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Sub-Registrar,
Chettikulam.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Registrar,
Jeyankondom Road,
Min Nagar, Ariyalur District.

+1 CC to M/s.A.RAMESH, Advocate (SR-93324[F] dated 21/10/2019)

+1 CC to M/s.SPL GP (SR-93514[F] dated 22/10/2019)

W.P (MD) No.22020 of 2019

Dated:

18.10.2019

KK/SAR/07.11.2019/3P-5C/