



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM:

WEB COPY

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

W.P. (MD) No. 23574 of 2019

S.Kadhar Hussain

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Thanjavur Town,
Thanjavur District.

2.The Sub Registrar,
Sub Registrar's Office,
Ayyampetai,
Papanasam Taluk,
Thanjavur District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to dispose petitioner's appeal against the order of second respondent dated 20.06.2019 in proceedings RFL/Ayyampettai/2019 and consequently declare the order of first respondent dated 19.09.2019 in proceedings in Na.Ka.1456/Aa1/2019 is illegal.



For Petitioner

: Mr.P.Vignesh
for Mr.J.Alaguramjothi

For Respondents

: Mr.M.Murugan
Government Advocate

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ORDER

Mr.P.Vignesh learned Counsel on record for writ petitioner and Mr.M.Murugan, learned Government Advocate who accepts notice on behalf of both 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. Instant writ petition turns on a very narrow compass. A settlement deed dated 19.06.2019 executed by writ petitioner in favour of his daughter Mrs.A.Rasool Beevi (wife of Abdul Hakkim) was presented for registration in the office of second respondent on 20.06.2019, on the same day, the second respondent passed an order (obviously order dated 20.06.2019) captioned 'Refusal Check Slip' bearing No. RFL/Ayyampettai/6/2019. Vide this order, the second respondent refused registration of the settlement deed citing pendency of a civil suit. Aggrieved by such refusal by the second respondent, writ petitioner filed a statutory appeal before the first respondent under Section 72 of the Registration Act, 1908 (hereinafter 'said Act' for brevity) read with (r/w for brevity) Rule 166 of the Registration Rules, 1983 (hereinafter 'said Rules' for brevity) on 25.06.2019. Three months later, the first respondent appellate Authority has sent a cryptic four line communication to the writ petitioner which reads as follows:



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பதிவுத்துறை

செய்தவர் கேள்வி-காத்தான்மேல்வீதி என்.எ. சட்டம், மாண்புமிகு மதுரை (தலைநிலை) க. பொ. தொகுப்பு.	பெயர் சிந்தாமணி உ. அனல், 80 தேவ் தாலூக்கி, 724, ஆடம்பரம் உடைமையாற்றத்தெரு கிழக்கு வாயில் தெற்கு வாயில்.
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ந.க.எண்.1456/சு.1/2019 நாள்.19.09.2019

பொதுமக்கள்:- மத்திய மற்றும் மாநிலங்களில் உள்ளவர்கள் திடீரென்று உட்கார்ந்துவிட்டு உணவுகளை உண்ணாமல் வீதம் ரூ. 58475.4 மற்றும் 58475.4-ல் வீதம் செலவு செய்துள்ள ஆணையர்கள்களால் செலவு செய்து தீர்ப்பு வழங்கித் தர - செய்துமாத.

1. அறிவுசார் தகவல், கல்வியு
றவு பி.டி 25.06.2019.
2. அறிவுசார் பி.டி 16.08.2019.
ப.க.ம.ம. 187/2019 பி.டி.09.09.2019

Figure 1. The study area.

பெருள் நெடும்புகை பாளையம் (0) க்கு கட்டாயம் ஹாஸ்டல் வசதியை
தொகுத்துக் கொடுத்தல் சரிதான். நெடும்புகை குடிசையை சாதி ரீதியாகத் தனியாக
கட்டவேண்டி 27.12.95 வரையிலாக வசதித் தரவேண்டுமென்று ஹாஸ்டல் நிதிமன்றத்தின்
பாதுகாப்புப் பரிசீலனை செய்து கட்டியுள்ளதுபற்றித் தெரிகிறது.

சு. பரமசிவசாமி (கிளர்ச்சி) க.பி.
தஞ்சாவூர்

தலைவர்:
சார்ஜ் கேள்வி.
அதற்குரியது.

19.9.2018



A perusal of the aforesaid communication / order from the first respondent reveals that it has been made in the statutory appeal preferred by writ petitioner, though appeal has been referred to as 'in', while citing the same as No.1 in 'Read' items.

4. Learned State Counsel adverting to the prayer in instant writ petition submits that the aforesaid order dated 19.09.2019 made by the first respondent disposes of the statutory appeal and therefore, the prayer for directing the first respondent to dispose of the appeal or in other words, the first limb of prayer is not sustained.

5. This Court has carefully considered the submissions made by both sides.

6. Though the prayer is not happily worded or in other words not couched in a language that would have given clarity and specificity to the prayer, it is clear that the statutory appeal preferred by writ petitioner *inter alia* under Section 72 of said Act, 1908 r/w Rule 166 of said Rules, 1983 has been disposed of by the first respondent summarily by a cryptic order, which has been scanned and reproduced supra.

7. As statutory appeal has been disposed of summarily by a cryptic order without assigning reasons, this Court is of the considered view that it would be appropriate to set aside the order dated 19.06.2019 bearing Na.Ka.No.1456/Aa1/2019 made by the first respondent, direct the first respondent to hear the aforementioned appeal dated 25.06.2019 made against the order dated 20.06.2019 made by the second respondent on its own merits in accordance with law and pass a detailed order and dispose of the appeal as expeditiously as possible.

8. The order disposing of the statutory appeal shall be communicated to the writ petitioner and all concerned under due acknowledgment within seven (7) working days from the date of disposal.

9. Instant Writ Petition is allowed with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)



To

1.The District Registrar,
District Registrar Office,
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Thanjavur District.

2.The Sub Registrar,
Sub Registrar's Office,
Ayyampetai,
Papanasam Taluk,
Thanjavur District.

+1 CC to M/s.S.JAYA CHANDRAN, Advocate (SR-97002[F] dated 08/11/2019)
+1 CC to M/s.GP (SR-97292[F] dated 11/11/2019)

W.P. (MD) No.23574 of 2019
08.11.2019

SSL
ES/15.11.2019/5P/5C