

In the High Court of Judicature at Madras

Dated : 28.1.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.10718 of 2015

B.Pandidurai

...Petitioner

Vs

The Sub-Registrar, Ayothiyapattinam,
Salem.

...Respondent

PETITION under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for the records of the respondent dated 19.1.2015 in Na.Ka.No.49/A2/2015, quash the same as illegal and direct the respondent to register pending document No.32 of 2014 immediately.

For Petitioner : Ms.A.Arulmozhi

For Respondent : Mr.P.P.Purushothaman, GA

ORDER

I have heard Ms.A.Arulmozhi, learned counsel for the petitioner and Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondent.

2. The petitioner has challenged the proceedings of the respondent dated 19.1.2015, which is, in fact, a reply under the Right to Information Act stating that there was no record to show that there was any association registered under the name and style of Hill Tribes Association for Development. In fact, the petitioner is aggrieved by a notice issued by the respondent informing the petitioner that the sale deed presented by him for registration was proposed to be returned to him because the vendor of the property was the petitioner in his individual name whereas the parent document, by which, the property was purchased, was in the name of an association.

3. The learned Government Advocate, on instructions, submits that already the document had been returned to the petitioner.

4. Since the respondent refused to register the document assigning reasons, if at all the petitioner is aggrieved, he should file an appeal before the District Registrar concerned and pursue his claim before the District Registrar concerned.

5. It is the case of the petitioner that though the property was purchased in the name of the association, it is an unregistered association, that the petitioner was the Secretary and that the patta in respect of the land in question was granted in favour of the petitioner in his individual capacity. Since the association stopped all its activities, the office bearers of the association passed a resolution on 25.10.1990 resolving that all activities of the association would be wound up and that the petitioner could only enjoy the property in his own right.

6. In the considered view of this Court, all these contentions should be advanced by the petitioner before the Appellate Authority namely the District Registrar, who will consider the same on merits and in accordance with law.

7. In the light of the above, the writ petition is disposed of by permitting the petitioner to file an appeal before the District Registrar, Salem and if the appeal is filed within a period of 15 days from the date of receipt of a copy of this order, the District Registrar, Salem shall entertain the appeal without reference to limitation, issue notice to the petitioner, consider all the documents and pass a reasoned order on merits and in accordance with law within a period of six weeks from the date, on which, the appeal is presented. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

1.The Sub-Registrar,
Ayothiyapattinam, Salem.

2.The District Registrar,
Salem.

+1cc to M/s.A.Arulmozhi, Advocate SR.5982
+1cc to the Government Pleader SR.6714

W.P.No.10718 of 2015

RJI (CO)
CB(27/02/2020)



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