



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.6496 of 2020

S.Kadhar Basha

... Petitioner

Vs.

1.The Sub Registrar,
Sub-Registrar's Office,
Thuraiyur, Thuraiyur Taluk,
Trichy District.

2.The District Registrar,
District Registrar's Office,
Ariyalur, Ariyalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's order made in Na.Ka.No.5720/Aa1/2019, dated 29.11.2019, quash the same and further direct the second respondent to entertain the petitioner's appeal dated 21.10.2019, dispose the same in accordance with law, within the stipulated period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.R.Anand
Government Advocate

ORDER

Mr.Anand, learned Government Advocate, takes notice on behalf of the respondents.

2. The petitioner herein had presented a registered deed before the first respondent, namely, the Sub Registrar, Sub-Registrar's officer, Thuraiyur Taluk, Trichy District, for registration. The document was refused to be registered. Thereafter, the petitioner filed W.P.(MD).No.20507 of 2019, before this Court and on 01.10.2019, the above said Writ Petition was dismissed as withdrawn. However, liberty was granted to the petitioner to file an appeal under Section 72 of the Registration Act, 1908, read with Rule 166 of the Tamil Nadu Registration Rules, 1983.



3. The learned counsel appearing for the petitioner claims that he had actually preferred an appeal in the typed set of papers along with the Writ Petition and a copy of the grounds of appeal is also enclosed. There is no reason to dispute the fact that the appeal was actually filed. However, the impugned order came to be passed on 29.11.2019 in Na.Ka.No 5720/Aa1/2019. In the said impugned order, there is no reference to the filing of the appeal.

4. The learned counsel appearing for the petitioner drew the attention of this Court to the said paragraph of the impugned order, wherein, liberty was given that the petitioner can file an appeal as against this impugned order. But liberty was granted to the petitioner already in W.P.(MD).No.20507 of 2019, by order dated 01.10.2019. Filing of the succeeding appeals would not make the petitioner's position better. Therefore, it will only be appropriate that the impugned order is set aside. The petitioner is directed to file a fresh copy of the appeal already filed bringing to the notice to the respondents the date on which the appeal was filed. On receipt of the said grounds of appeal, the respondents may follow due procedure and pass necessary orders, within a period of six weeks, from the date of receipt of grounds of appeal.

5. With the above observations, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

To

1.The Sub Registrar,
Sub-Registrar's Office,
Thuraiyur, Thuraiyur Taluk,
Trichy District.



2.The District Registrar,
District Registrar's Office,
Ariyalur, Ariyalur District.

Order made in
W.P. (MD)No.6496 of 2020

Dated:08.06.2020

NR(12.06.2020) 3P 3C