



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7447 of 2020

and

W.M.P. (MD)No.6907 of 2020

WEB COPY

T.Thirupathi

... Petitioner

Vs.

1.The Deputy Inspector General
of Registration,
O/o.The Deputy Inspector General
of Registration,
Integrated Complex of Registration
Department,
TNAU Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.

2.The District Registrar (Administration),
O/o.District Registrar,
Palani,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed 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 impugned order passed by the first respondent in his proceedings in Na.Ka.No.306/24/2020, dated 30.01.2020, quash the same and consequently, direct the first respondent to accept the petitioner's Appeal Petition, dated 22.01.2020, by condoning the delay of five months and dispose of the same in accordance with law, within a time frame as may be stipulated by this Court.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.V.Anand
Government Advocate

ORDER

The petitioner has come up with the present Writ Petition for a Certiorarified Mandamus, to quash the impugned order passed by the first respondent in his proceedings in Na.Ka.No.306/24/2020, dated 30.01.2020, and consequently, direct the first respondent to accept the petitioner's Appeal Petition, dated 22.01.2020, by condoning the delay of five months and dispose of the same in accordance with law, within a time frame as may be stipulated by this Court.



2. According to the petitioner, his Power Agents viz., Sathyaseelan and Mani, cheated his properties, by way of bogus documents and two sale deeds, vide Document Nos.112 of 2019 and 641 of 2019, on the file of the Sub-Registrar, Vadamadurai, measuring an extent of 66 cents and 50 cents respectively, were registered by using the said bogus documents. After coming to know about the same, the petitioner made an application to the second respondent stating that the aforesaid sale deeds executed by his Power Agents are bogus and forged one. Subsequently, the second respondent has sent a proceeding dated 11.06.2019, stating that the registration of above sale deeds were made as per the documents produced by the petitioner's Power Agents and he has no power to cancel the same and if the petitioner has any grievance, he has to apply before the first respondent through Appeal Petition, within 60 days from the date of proceedings of the second respondent. Due to ignorance and inadvertence, the petitioner has sent the Appeal Petition dated 22.01.2020, belatedly after a period of five months to the first respondent. Thereafter, the first respondent rejected the petitioner's appeal on the ground of delay.

3. According to the petitioner, the delay is neither wilful nor wanton, but due to ignorance. Due opportunity was not given to the petitioner to prove that the forged sale deeds are being used with a view to cheat and absorb the properties by the mischievous persons and therefore, the impugned order passed by the first respondent, dated 30.01.2020, may be set aside and the appeal petition dated 22.01.2020, may be accepted.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. On perusing the materials available on record, this Court finds that the petitioner has made an allegation that the documents executed by his Power Agents viz., Sathyaseelan and Mani, are bogus and fabricated. To establish the said allegation, the petitioner has not produced any material and also has not mentioned any document in his appeal petition, dated 22.01.2020, before the first respondent. In order to prove the documents executed by his Power Agents are forged and fabricated, the petitioner has to approach the competent Civil Court, by raising all the allegations. Insofar as the delay in filing the appeal is concerned, there is no *bona fide* reason on the side of the petitioner, for condoning the delay.

6. In view of the above facts and circumstances of the case, this Court is not inclined to interfere with the rejection order passed by the first respondent in rejecting the appeal on the



ground of delay. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to work out his remedy before the competent Civil Court, if so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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O/o.The Deputy Inspector General
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