



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD)No.18008 of 2020

R.Parvathi Thevar

... Petitioner

Vs.

The Deputy Inspector General of Registration,
District Registration Office,
St.Marks Road,
Palayamkottai,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent vide proceedings in Na.Ka.No.4490/Tha.Pi/2020, dated 09.11.2020 and quash the same as illegal and consequently direct the respondent to condone the delay and number the Appeal filed before him.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr.M.Murugan
Government Advocate

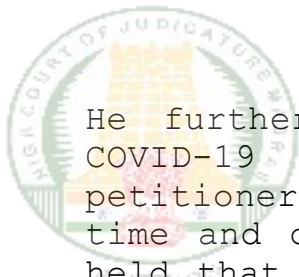
ORDER

This writ petition has been filed against the impugned order passed by the respondent vide proceedings in Na.Ka.No.4490/Tha.Pi/2020, dated 09.11.2020 and seeking a direction to the respondent to condone the delay and number the Appeal filed before him.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the respondent.

4. The learned counsel for the petitioner would submit that an appeal has been preferred by the petitioner challenging the order dated 04.11.2019 and the Appellate Authority has rejected it on the ground that the appeal has not been filed within the time.



He further submitted that since there was a lock-down due to COVID-19 pandemic, the period of 60 days is over and the petitioner is not able to file the appeal within the prescribed time and during COVID-19 Pandemic, the Hon'ble Supreme Court has held that the limitation cannot be quoted to oust the party from approaching the Court beyond the time limit. Hence, the matter needs to be heard by the respondent in detail and decision has got to be taken on merits, is the submission of the learned Counsel appearing for the petitioner.

5. Only ground is due to COVID-19 Pandemic, the petitioner is unable to file the appeal in time. The order of the original authority was passed on 04.11.2019 and 60 days period has got to expired as early as January, 2020. The lock down due to COVID-19 Pandemic situation started only in the month of March, 2020 and there is no provision for condone the delay in preferring the appeal. Though there shall be a provision to condone the delay, depending upon the situation, this Court cannot legislate or incorporate certain things, which is not provided in the Act/Rules/Regulations/guidelines. Hence, I am of the view that as the appeal has not been filed within 60 days and the original order was passed on 04.11.2019 and that the period has already expired before the lock down due to COVID-19 Pandemic started, this Court is not inclined to grant the relief as sought for by the petitioner. This Court is of the view that there shall be a provision to condone the delay, as there are genuine cases, which shall not be thrown out on technical ground. For example, a person might have had Heart Attack, undergone bypass. It may take more than two months to recover and he may have a genuine case. If such person is prevented from filing Appeal beyond the time limit, on hearing the rejection, the petitioner may face another Heart Attack and die and a fraudster will succeed on technicalities.

6. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

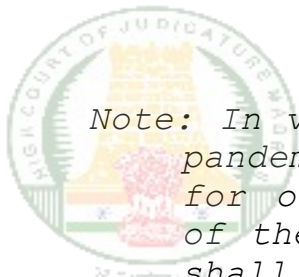
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Sub Assistant Registrar (CS)

PJL

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



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.

WEB COPY

To

The Deputy Inspector General of Registration,
District Registration Office,
St.Marks Road,
Palayamkottai, Tirunelveli.

+1 cc to Mr.D.Saravanan , Advocate SR.No.24703

+1 cc to The Special Government Pleader Sr.No.24883

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09.12.2020

KM (05.02.2021) 3P 4C