

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

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THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.2852 of 2021

Mrs.Vijaya

.. Petitioner

Vs.

1.The District Registrar,
Krishnagiri District,
Krishnagiri.

2.The Sub Registrar,
Veppanapalli Sub Registrar's Office,
Veppanapalli,
Krishnagiri Taluk and District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 18.09.2020 made in Na.Ka.No.4222/AA1/2020 and to quash the same consequently, direct the second respondent to register the Sale Deed pending document no.24 of 2017 dated 04.08.2017 in respect of the property measuring an

extent of 1.10 ½ acres comprised in S.Nos.12/9A, 12/5B and 12/3 situate at Chennachandiram Village, Krishnagiri Taluk and District and to return the original sale deed to the petitioner.

For Petitioner .. Mr.C.Prabakaran

For Respondents .. Mr.T.M.Pappiah, Spl GP for RR1 & 2

ORDER

This petition has been filed by the petitioner, seeking for a direction to call for the records relating to the impugned order of the first respondent dated 18.09.2020 made in Na.Ka.No.4222/AA1/2020 and to quash the same consequently, direct the second respondent to register the Sale Deed pending document no.24 of 2017 dated 04.08.2017 in respect of the property measuring an extent of 1.10 ½ acres comprised in S.Nos.12/9A, 12/5B and 12/3 situate at Chennachandiram Village, Krishnagiri Taluk and District and to return the original Sale Deed to the petitioner.

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2. Challenging the order of the Sub Registrar, the petitioner has preferred an appeal to the District Registrar. Vide impugned proceedings in

Na.Ka.No.4222/AA1/2020 dated 18.09.2020, the District Registrar has stated that inasmuch as the appeal was not filed within 30 days as per Section 73 of the Act, the appeal cannot be entertained. In other words, the District Registrar refused to entertain the appeal, based on the limitation aspect.

3. Heard, Mr.C.Prabakaran, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 & 2.

4. The proceedings of the Sub Registrar is dated 12.08.2020 but the appeal has been filed on 04.09.2020. Now, even there are two ways of looking at it. Going by Section 73, the time for preferring an appeal expires only on 12.09.2020 whereas, the appeal has been filed even as per the impugned proceedings on 04.09.2020. Therefore, this Court fails to understand where there is limitation. Secondly and significantly, the entire limitation now falls during the lock down period of Corona Pandemic. Even, the Supreme Court, in its order dated 23.03.2020 Writ Petition (Civil) No. 3/2020, took

Suo Motu cognizance of the difficulties faced by litigants in approaching various Courts and Tribunals due to ongoing pandemic and consequent National lockdowns and all statutory deadlines, were either relaxed or extended in the light of the National lockdown until further orders were passed.

5. Therefore, viewing thus, it would have been preferable if the District Registrar have shown sensitivity in the matter.

6. Mr.T.M.Pappiah, learned Special Government Pleader concurs that based on deep information provided by the impugned order, the appeal itself is within the time and it should have been entertained.

7. The District Registrar/first respondent herein is now directed to consider the appeal of the petitioner after affording an opportunity of effective hearing to the petitioner and dispose of the same within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. No costs.

11.02.2021

Index: Yes/No

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To

1. The District Registrar,
Krishnagiri District,
Krishnagiri.

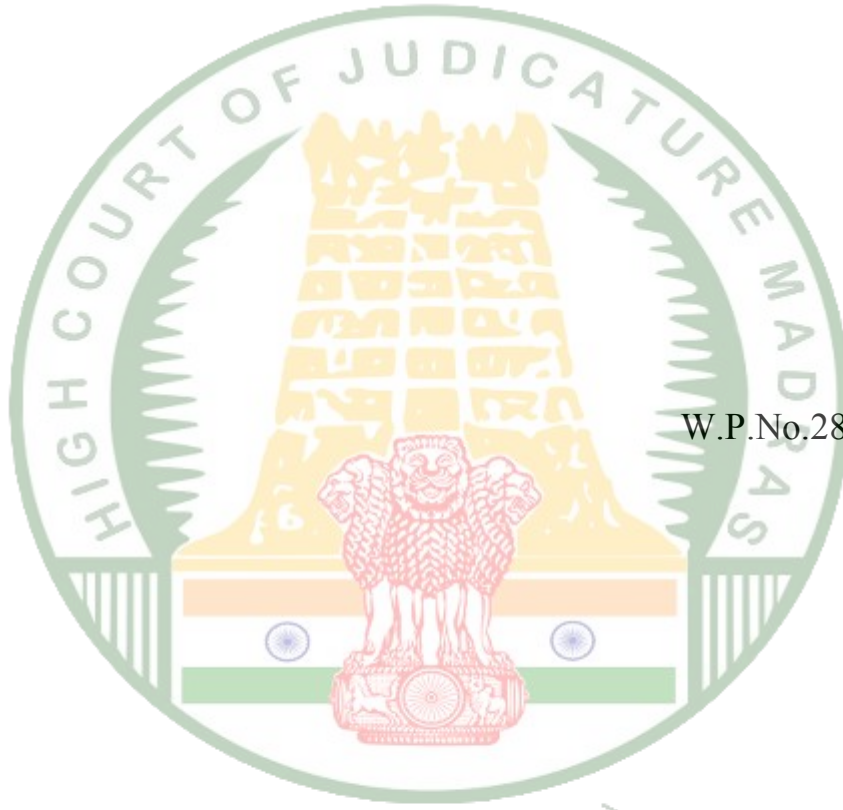
2. The Sub Registrar,
Veppanapalli Sub Registrar's Office,
Veppanapalli,
Krishnagiri Taluk and District.



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N.SESHASAYEE.J.,

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