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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20845 of 2021

R.Vasan

... Petitioner

-Vs-

1.The Inspector General of Registration,
100, Santhome High Road, Chennai-600 028.

2.The District Registrar,
Salem West, Salem District.

3.The Sub Registrar,
Edappadi Sub Registration Office,
Edappadi, Salem District.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in Na.Ka.No.3413Aa/2021 dated 14.06.2021 and quash the same and consequentially issue direction to the 2nd respondent to receive the appeal filed by the petitioner and dispose the same by directing the 3rd respondent to register the sale deed dated 19.03.2021 submitted by the petitioner in accordance with law and pass appropriate orders accordingly.

For Petitioner :: Mr.R.Marudhachlamurthy

For Respondents :: Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

This Writ petition has been filed for the issue of Writ of Certiorarified Mandamus by calling for the records pertaining to the order passed by the 2nd respondent in Na.Ka.No.3413Aa/2021 dated 14.06.2021 and quash the same and consequentially issue direction directing the 2nd respondent to receive the appeal filed by the petitioner and dispose the same by directing the 3rd respondent register the sale deed dated 19.03.2021 submitted by the petitioner in accordance with law.



2. The learned counsel for the petitioner would submit that the petitioner had purchased the property from one Murugesan, situated in S.F.No.361/4C, 362/8C, 361/5C, 494/4 at Poolampatty Village, total to an extent of 3.10 acre for valid and valuable consideration. The sale deed in respect of the above purchased property had been duly presented before the 3rd respondent for registration vide document dated 19.03.2021 and the same was duly received and registered as pending document No.6 of 2021 by the 3rd respondent. Even though the petitioner has paid stamp duty as per guide line value fixed by the 3rd respondent, the petitioner does not know why his document was assigned pending registration number 6 of 2021 by the 3rd respondent. The petitioner had approached the 3rd respondent to register and return the document and however he has not responded for the reason best known to him. The petitioner had urged the 3rd respondent right from the day one of presenting the document of sale presented on 19.03.2021 and however to shock and surprise, the same has been kept as pending document No.6 of 2021 before the Registering Office and all of a sudden a communication was issued in Na.Ka.No.152/2021 dated 04.05.2021 stating that the property involved in the sale deed was attached in connection with O.S.No.624 of 2018 in I.A.No.621 of 2018 dated 15.04.2021 and the same has been received by the 3rd respondent on 29.04.2021 and thereby he had refused to register the petitioner's sale deed which is pending registration on his file as pending document No.6 of 2021.

3. It has been further submitted that the date of presenting the sale deed by the petitioner before the 3rd respondent is on 19.03.2021 and the petitioner had paid stamp duty on the day one of presenting the sale deed fixed by the 3rd respondent and without any reason keeping the sale deed as pending document no.6 of 2021 till 29.04.2021 and thereafter issued impugned proceedings in Na.Ka.No.152 of 2021 dated 04.05.2021 is creating doubt on the petitioner's mind whether he has purposely passed the impugned order of refusing registering the sale deed presented by the petitioner being colluded with someone. Aggrieved by the same, the petitioner had made appeal on 11.06.2021 to the 2nd respondent through post, in view of prevailing pandemic situation and curfew and however to the petitioner's shock and dismay, the 2nd respondent without considering the prevailing situation, had returned the petitioner's appeal through his proceedings in Na.Ka.No.3413/Aa 1/2021 dated 14.06.2021 stating that the same was not presented within the statutory period of 30 days. On receipt of the impugned order dated 14.06.2021 from 2nd respondent, the petitioner had approached the 2nd respondent and made his representation dated 13.07.2021 stating that the Hon'ble Apex Court and this Hon'ble Court has passed detailed order stating that there should not be calculation of any delay while filing appeal in the prevailing pandemic situation and until further announcement. However, there is no response and reply from the 2nd respondent on the representation dated 13.07.2021 filed by



the petitioner herein. Hence, the petitioner is left with no other option except to approach this Court seeking for Writ of Certiorarified Mandamus to call for the records of the 2nd respondent and appropriate directions to him.

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4. The learned Government Advocate for the respondents would submit that during the lock down period due to pandemic situation, the Hon'ble Apex Court and Hon'ble this Court have passed various orders relaxing the limitation period. Hence, the 2nd respondent may be directed to consider the Appeal filed by the petitioner herein and pass appropriate order within a period as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

6. Having considered the facts and circumstance of the case and submissions of the learned counsel on either side, in view of the Judgment of Apex Court with regard to relaxation of limitation period due to Pandemic, the 2nd respondent is directed to consider the appeal filed by the petitioner herein and pass appropriate orders within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein. Consequently, the order dated 14.06.2021 passed by the 2nd respondent is set aside.

7. With the aforesaid directions, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.
2. The District Registrar,
Salem West,
Salem District.



3. The Sub Registrar,
Edappadi Sub Registration Office,
Edappadi, Salem District.

+1cc to the Government Pleader SR. No. 50872

+1cc to Mr.R.Marudhachlamurthy, Advocate SR. No.50464

W.P. No.20845 of 2021

PL (CO)

PR (09/12/2021)