



WEB COPY

W.P.(MD)No.8239 of 2021

Kalimuthu v. The Inspector General of Registration

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.8239 of 2021

and W.M.P. (MD) No.6226 of 2021

(Through Video Conferencing)

Kalimuthu

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100 Santhome High Road,
Raja Annamalaipuram,
Chennai.
 - 2.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
St. Markus Street, Sankar Nagar,
Tirunelveli.
 - 3.The District Registrar (Palayamkottai Registration District)
District Registrar Office,
Collectorate Campus
Kokkirakulam,
Tirunelveli.
 - 4.The Sub Registrar
Sub Registrar Office,
Kovilpatti, Thoothukudi District
 - 5.The Sub Registrar
Sub Registrar Office,
Sivagiri
Tenkasi.
- ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.1365/தமிழ்/2021 dated 25.03.2021 and quash the same as illegal and further direct the 2nd respondent herein to hear the appeal on merits and in accordance with law opportunity of being heard, within a time stipulated by this Court.

For Petitioner :Mr.D.Nallathambi

For Respondents :Mr.K.Sathiya Singh

Additional Government Pleader

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



ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2. This writ petition has been filed challenging the impugned order passed by the 2nd respondent dated 25.03.2021, wherein, the appeal filed by the petitioner was not entertained on the ground of delay.

3. Heard Mr.D.Nallathambi, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader for the respondents.

4. The case of the petitioner is that he made a complaint/representation to the third respondent on 17.08.2020 for taking action under Section 83 of the Registration Act and also on the basis of the circular issued by the Inspector General of Registration dated 31.07.2018. The third respondent, by proceedings, dated 01.02.2021 refused to entertain the complaint and deal with the fraudulent transaction that resulted in the registration of the document Nos.2298 and 2299/2018. The third respondent had directed the petitioner to approach the competent civil Court to work out his remedy.

5. The petitioner aggrieved by the said order, filed an appeal before the second respondent on 18.03.2021. The second respondent through the impugned order dated 25.03.2021 refused to consider the appeal on merits on the ground that the appeal was filed with a delay. Aggrieved by the same, the present writ petition has been filed before this Court.

6. In the considered view of this Court, the second respondent has proceeded on the ground that the impugned order was passed by the third respondent on 01.02.2020, whereas the order was actually passed only on 01.02.2021. The same is evident from the fact that the petitioner had approached this Court and filed W.P.(MD) No.11410 of 2020 and sought for a direction to the third respondent to dispose of the representation/complaint made by the petitioner. This Court disposed of the writ petition by an order dated 08.10.2020 and directed the third respondent to conduct the enquiry and pass orders within a period of four months. It is only thereafter the order is said to have been passed by the third respondent on 01.02.2021.

7. In view of the above, the second respondent ought to have considered the appeal on merits and in accordance with law and should not have dismissed the appeal on the ground of delay. The impugned order passed by the second respondent is liable to be



interfered with on this short ground.

8. In the result, the impugned order passed by the second respondent dated 25.03.2021 is hereby set aside and there shall be a direction to the second respondent to deal with the appeal filed by the petitioner on its own merits and in accordance with law, after affording an opportunity to the petitioner and the other interested parties and pass final orders within twelve weeks from the date of receipt of a copy of this order.

9. The writ petition is allowed with the above directions. No costs. Consequently connected Miscellaneous Petition is closed.

SD

ASSISTANT REGISTRAR (CS II)

TRUE COPY

/5/2021

SUB ASSISTANT REGISTRAR (CS)

RR

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

- 1.The Inspector General of Registration,
100 Santhome High Road,
Raja Annamalaipuram,
Chennai.
- 2.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
St. Markus Street, Sankar Nagar,
Tirunelveli.
- 3.The District Registrar (Palayamkottai Registration District)
District Registrar Office,
Collectorate Campus
Kokkirakulam,
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- 4.The Sub Registrar
Sub Registrar Office,
Kovilpatti, Thoothukudi District



5.The Sub Registrar
Sub Registrar Office,
Sivagiri
Tenkasi.

1CC TO MR. D.NALLATHAMBI, ADVOCATE SR 16854
1CC TO THE SPL GOVT PLEADER SR 17130

TR
03/05/2021
4P/8C

W.P. (MD)No.8239 of 2021

21.04.2021

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