



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18071 of 2021

WEB COPY

Buhari

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
St.Mark's Road, Palayamkottai,
Tirunelveli District.

2. The District Registrar (Administration),
Palayamkottai,
Tirunelveli.

3. The Sub-Registrar,
Sub-Registrar Office, Melapalayam,
Tirunelveli District.

4. V.S.D.Ammannuallah

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to dispose of the appeal in Appeal No.3842/2021 filed by the petitioner against the order of the second respondent dated 23.08.2021 within a stipulated period as fixed by this Court.

For Petitioner : Mr.C.Susi Kumar

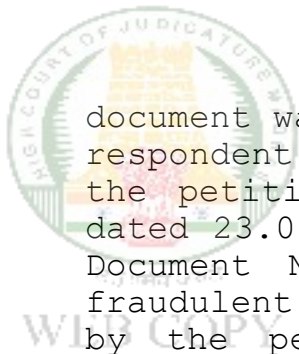
For Respondents : Mr.P.Subbaraj,

Counsel for the State for R1to R3

O R D E R

The petitioner seeks the expeditious disposal of Appeal No.3842 of 2021, which was filed by the petitioner against the order of the second respondent dated 23.08.2021.

2. The petitioner claims title to Plot Nos.79, 80 and 81 at Sithik Nagar, Tirunelveli City under a registered sale deed bearing Document No.789 of 1992. It is stated that one V.S.T.Amanullah lodged a police complaint claiming ownership over the above mentioned plots. The petitioner asserts that the said V.S.T.Amanullah did not file a civil suit. Subsequently, the petitioner's brother executed a settlement deed in his favour and in favour of the other brother, namely, S.Sheik Ali. When the said



document was presented for registration, it is stated that the third respondent refused to register the said settlement deed. Eventually, the petitioner states that the second respondent passed an order dated 23.08.2021 by which it was concluded that the registration of Document Nos.4948 of 2020, 5560 of 2020 and 5780 of 2020 are fraudulent. The said order of the second respondent was challenged by the petitioner before the first respondent. The petitioner asserts that the stay application filed in such appeal has not been taken up for consideration by the first respondent. The present writ petition is filed in these facts and circumstances.

3. Given the limited scope of the present writ petition, it is not necessary to enter findings on the merits thereof. Although the petitioner seeks a direction to the first respondent to take up the stay application expeditiously, in view of the nature of order passed by the second respondent, a direction for the disposal of the appeal within a reasonable time is the appropriate course of action. Needless to say, the fourth respondent and any other parties to such appeal should be provided a reasonable opportunity before the appeal is disposed of.

4. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's Appeal No.3842 of 2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the fourth respondent and any other parties thereto within a period of four months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the first respondent is directed to provide a reasonable opportunity to the fourth respondent, the writ petition is disposed of without notice to the private respondent. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Deputy Inspector General of Registration,
St.Mark's Road, Palayamkottai,
Tirunelveli District.



2. The District Registrar (Administration),
Palayamkottai,
Tirunelveli.

3. The Sub-Registrar,
Sub-Registrar Office, Melapalayam,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-31493[F] dated 07/10/2021)

W.P. (MD) No.18071 of 2021

06.10.2021

RD(20.10.2021) 3P 5C