



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) Nos.20021 and 20022 of 2021

W.P. (MD) No.20021 of 2021:-

A.Selvakumari

... Petitioner

vs.

1.The District Registrar,
Palayamkottai, Tirunelveli District.

2.The Sub Registrar,
Melapalayam, 35/B, Bardos Complex, 1st Floor,
Ambai Road, Melapalayam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in Na.Ka.No.4277/Aa1/2021, dated 02.09.2021 on the file of the first respondent and quash the same and further to direct the first respondent to receive the appeal, condone the delay and further to dispose of the same within reasonable time prescribed by this Court.

For Petitioner :Mr.I.Robert Chandrakumar
For Respondents :Mr.N.Satheesh Kumar
Special Government Pleader

W.P. (MD) No.20022 of 2021:-

A.Selvakumari

... Petitioner

vs.

1.The District Registrar,
Palayamkottai, Tirunelveli District.

2.The Sub Registrar,
Melapalayam, 35/B, Bardos Complex, 1st Floor,
Ambai Road, Melapalayam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in Na.Ka.No.4276/Aa1/2021, dated 02.09.2021 on the file of the first respondent and quash the same and further to direct the first respondent to receive the appeal, condone the delay and further to dispose of the same within reasonable time prescribed by this Court.



For Petitioner :Mr.I.Robert Chandrakumar
For Respondents :Mr.N.Satheesh Kumar
Special Government Pleader

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COMMON ORDER

These Writ Petitions have been filed in the nature of Certiorarified Mandamus seeking interference of the orders passed by the first respondent in Na.Ka.No.4277/Aa1/2021 and Na.Ka.No.4276/Aa1/2021, both dated 02.09.2021 and quash the same.

2.Heard Mr.I.Robert Chandrakumar, learned Counsel for the petitioner and Mr.N.Satheesh Kumar, learned Special Government Pleader for the respondents.

3.Questioning the particular orders of the Sub Registrar, which according to the learned Counsel for the petitioner are appealable orders, appeals have been preferred. But, the appeals were not preferred, as normally done. The orders of the Sub Registrar is dated 29.04.2021. The appeals were sent by registered post on 28.05.2021. It reached the concerned appellate authority on 07.06.2021. Claiming that it had reached after the period of thirty days had expired and that the provisions of Act does not give him an authority to condone the delay, the papers are still kept pending by the District Registrar, Palayamkottai, Tirunelveli.

4.I would issue a Mandamus to the first respondent/District Registrar, Palayamkottai, Tirunelveli, to take into consideration the date on which, the appeals have been signed/sent/forwarded to his office. There might instances, even if physically filed, the appeals would have been entered into the Tapal Receipt Register on a particular date, but placed before the official even after a week. The official cannot, therefore, contend there is a delay. It is the date on which an effort had been made to actually ensure that the papers are signed and forwarded, which would count for the period of limitation. In this case, there can be no denial that forwarding the appeal through registered post is also an accepted mode of forwarding the appeal. It was forwarded on 28.05.2021, which is within the period of thirty days.

5.A direction is, therefore, given to the first respondent to take the appeals on record, if they are otherwise in order and if compliances are required, issue notice to the petitioner and ensure the the compliances are rectified and thereafter, pass orders as in manner known to law by affording opportunity to the petitioner within a period of four weeks.



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W.P.(MD)No.20021 and 20022 of 2021

6.With the above observations, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The District Registrar,
Palayamkottai, Tirunelveli District.

2.The Sub Registrar,
Melapalayam, 35/B, Bardos Complex, 1st Floor,
Ambai Road, Melapalayam,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-37581[F] dated 07/12/2021)

Order made in
W.P.(MD)Nos.20021 and 20022 of 2021
06.12.2021

PK(CO)

GC(13.12.2021) 3P 4C