



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.9150 of 2014

M.Pethuraj

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Deputy Collector,
(Stamps)
Palayamkottai,
Tirunelveli District.

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

4.The Inspector General of Registration,
100, Stanthome High Road,
Pattinapakkam, Chennai - 600 028.

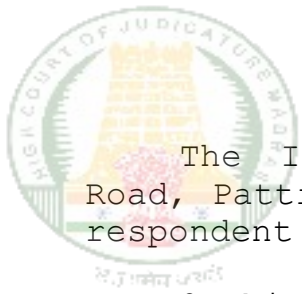
... Respondents

(4th respondent is *suo motu* impleaded as party respondent vide order of this Court, dated 29.04.2021 in W.P.(MD).No.9150 of 2014)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent No.1 to complete the Appeal proceedings and consequently, release the documents, dated 16.10.2009, registered at the office of the Sub-Registrar, Tirunelveli, for properties in patta No.1618 in Survey No.885/1 to an extent of 1 Acre 40 Cents and Survey No.885/2 to an extent of 1 Acre and 31 Cents and Survey No.885/3 to an extent of 1 Acre 41 Cents and Survey No.885/4 to extent of 1 Acre 40 Cents at Sathirapudhukulam Village, Tirunelveli Taluk, Tirunelveli District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendran for R1
Additional Government Pleader
Mr.K.Sathiya Singh for R2 to R4
Additional Government Pleader



ORDER

The Inspector General of Registration, 100, Stanthome High Road, Pattinapakkam, Chennai - 600 028, is *suo motu* added as the 4th respondent in this writ petition.

2. This writ petition was filed for the issuance of Writ of Mandamus, directing the first respondent to complete the appeal proceedings and to release the documents.

3. When the matter was taken up for hearing on 16.04.2021, the following order was passed by this Court.

"A specific stand has been taken in the counter-affidavit to the effect that the second respondent has already issued final orders in Form - III on 05.02.2014.

2. The learned counsel appearing for the petitioner submitted that the final order has not been served on the petitioner.

3. The learned Additional Government Pleader appearing on behalf of the respondents 2 and 3 sought for some time to take instructions in this regard. A copy of the final order, dated 05.02.2014 shall also be filed before this Court.

4. Post this case under the caption 'for orders' on 26.04.2021."

4. The learned counsel for the petitioner was served with the final order, dated 05.02.2014 and the learned counsel submitted that the petitioner may be permitted to contest the appeal on merits before the Inspector General of Registration.

5. It is stated in the counter affidavit filed by the second respondent that the petitioner has filed an appeal petition before the first respondent on 26.04.2014, praying for the release of the documents. The first respondent has no jurisdiction to deal with the appeal and the competent authority will only be the Inspector General of Registration, who has to dispose of the appeal.

6. The petitioner is directed to file an appeal before the Inspector General of Registration, Chennai, on or before 17.06.2021. The Inspector General of Registration, on receipt of the same, shall take into consideration the pendency of this Writ petition from the year 2014 and condone the delay and shall deal with the appeal on merits after affording opportunity to the petitioner. It is made clear that if the petitioner fails to file the appeal, within the time stipulated by this Court, the Inspector General of Registration need not entertain the appeal filed thereafter. In the event of the appeal being filed within the time stipulated by this Court, the Inspector General of Registration shall, pass final orders in



accordance with law, within a period of four months from the date of receipt of the appeal from the petitioner.

7.This writ petition is disposed of with the above directions.
No costs.

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

To

1.The District Collector,
O/o. The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Deputy Collector,
(Stamps)
Palayamkottai,
Tirunelveli District.

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

4.Inspector General of Registration,
100, Stanthome High Road,
Pattinapakkam, Chennai - 600 028.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-18214[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18399[F] dated 03/05/2021)

W.P. (MD) .No.9150 of 2014

29.04.2021

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