



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20255 of 2018

A.Govindan

... Petitioner

Vs

1.The District Registrar,
O/o. the District Registrar,
Madurai (South),
Madurai 625 001,
Madurai District.

2.The Sub Registrar,
O/o. the Sub Registrar,
Aarasaradi at Kochadai,
Madurai -16,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to register the Document No.TP/2954514/2018 presented through online by the petitioner on 17/03/2018, within the time stipulated by this Court.

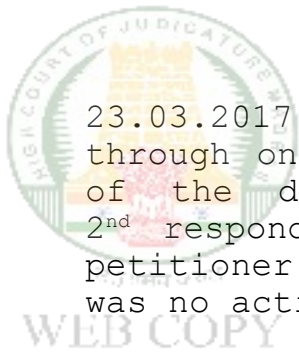
For Petitioner	:	Mr.S.Louis
For Respondents	:	Mr.K.Sathiya Singh Additional Government Pleader

ORDER

The case of the petitioner is that his brother, namely, A.Solairaj, has filed a suit in O.S.No.124 of 2008 for partition of the ancestral property. The suit was decreed on 20.07.2009. The petitioner being aggrieved by the trial Court decree preferred an appeal in A.S.(MD) No.272 of 2009 before this Court. In the appeal proceedings, a compromise was reached between the parties and in this regard, a compromise memo was filed and the same has also been recorded and the appeal was disposed of on 12.04.2010, in terms of the compromise memo.

2.Thereafter, an interlocutory application in I.A.No.431 of 2016 was filed on 12.02.2013 and the final decree was also passed on

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23.03.2017. Subsequently, the petitioner submitted an application through on-line on 17.03.2018 to the 2nd respondent for registering of the documents, but no steps have been initiated by the 2nd respondent. According to the petitioner, in this regard, the petitioner appears to have approached the 2nd respondent, but there was no action forthcoming from him.

3.The petitioner in the said circumstances has preferred an appeal to the 1st respondent on 05.06.2018 seeking a direction to the 2nd respondent to register the documents stating that once final decree has been passed in the civil proceedings, the same has to be registered, since no other option for the 2nd respondent not to initiate any action in this regard. The grievance of the petitioner is that the respondents have not taken any action on his revision/appeal.

4.When the matter is taken up for hearing today, Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents would submit that the appeal preferred by the petitioner dated 05.06.2018 is still pending for consideration before the 1st respondent and therefore, he would request this Court that three months time may be granted for disposal of the appeal and any direction is issued, the same may be complied with.

5.In view of the submission of the learned Additional Government Pleader and also the fact that the appeal preferred by the petitioner herein is still pending for consideration before the 1st respondent, this writ petition stands disposed of with the directions as under:-

" i) The 1st respondent is directed to dispose of the appeal, which is said to have been submitted by the petitioner on 05.06.2018, within a period of three months from the date of receipt of a copy of this order.

ii) The order to be passed in the appeal by the 1st respondent shall be communicated to the petitioner forthwith."

6.No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MM

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To

1.The District Registrar,
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Madurai (South),
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Madurai District.

2.The Sub Registrar,
O/o. the Sub Registrar,
Aarasaradi at Kochadai,
Madurai -16,
Madurai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6708[F] dated 23/02/2021)

+1 CC to Mr.S.LOUIS, Advocate (SR-7073[F] dated 24/02/2021)

Order made in
W.P. (MD) No.20255 of 2018
22.02.2021

PK(CO)
SRS (19/03/2021) 3P : 5C