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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.1420 OF 2022

C.Krishnan

... Petitioner

Vs

1. The Sub-Registrar,
Bargur,
Krishnagiri District.

2. The District Collector,
Krishnagiri

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus, calling for the records pertaining to the impugned refusal check slip in Refusal No.RFL/Bargur/1/2021 dated 25.11.2021 issued by the first respondent and quash the same; consequently, direct the first respondent to register the lease deed dated 02.12.2020 executed by the second respondent in favour of the petitioner within a reasonable period to be fixed by this Court.

For Petitioner : Mr.C.Mahendran

For R1 : Mr.Yogesh Kannadasan
Spl.Government pleader

For R2 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of certiorarified mandamus, calling for the records pertaining to the impugned refusal check slip in Refusal No.RFL/Bargur/1/2021 dated 25.11.2021 issued by the first respondent and quash the



same; consequently, direct the first respondent to register the lease deed dated 02.12.2020 executed by the second respondent in favour of the petitioner within a reasonable period to be fixed by this Court.

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2. Heard, Mr.C.Mahendran, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent and Mr.S.Rajesh, learned Government Advocate appearing for the third respondent.

3. The case of the petitioner is that the Government of Tamil Nadu through the second respondent granted a quarry lease for Grey Granite to an extent of 2.05.5 hectare comprised in survey No.85/2 in Kondappanayanapalli Village, Bargur Taluk, Krishnagiri District, for a period of 20 years from the date of execution of lease deed under the provisions of Rule 19-A of Tamil Nadu Minor Mineral Concession Rules, 1959 in favour of the petitioner herein. The said lease agreement was executed by the second respondent on 02.12.2020 for the period from 02.12.2020 to 01.12.2040. As instructed by the second respondent, the lease deed has to be registered with the first respondent, by a letter dated 02.12.2020, informed the first respondent about the stamp duty worked out on the basis of anticipated seigniorage fee calculated on the total of 125184 CBM of Grey Granite to be removed during the entire lease period of 20 years, security deposit and area assessment remitted by the lessee. Since, the petitioner was affected with COVID-19, he was not able to present the lease deed from the date of its execution within the period of four months. The said lease deed was presented for registration only on 22.11.2021. The registering authorities refused to register the same for the reason that it was not presented within time specified under Section 23 of the Registration Act. The reason for belated presentation of the lease deed is that the petitioner was affected with COVID-19 and as such, he was not able to present the same within the time as stipulated under Section 23 of the Registration Act.

4. The Hon'ble Supreme Court of India issued Suo-motu writ petition that extent the time in respect of limitation prescribed under the general law of limitation or under any special law holding on the limitation until further orders. That apart, the second respondent, by a letter dated 02.12.2020, informed the first respondent that the District Collector is exempted from personal appearance for the Registration under Section 88(1) of Indian Registration Act, 1908. Therefore, the document could be presented only by the petitioner and as he was suffering from COVID-19, he was unable to present the lease deed for registration.



5. In view of the above, the impugned check slip dated 25.11.2021 in Refusal No.RFL/Bargur/1/2021 is hereby set aside. The petitioner is directed to present the lease deed dated 02.12.2020, executed by the second respondent in favour of the petitioner, for registration before the first respondent. On receipt of the same, the first respondent is directed to register and release the same forthwith, if it is otherwise in order.

6. In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Sub-Registrar,
Bargur,
Krishnagiri District.

2. The District Collector,
Krishnagiri.

+1cc to Mr.C.Mahendran, Advocate, S.R.No.6720

+1cc to the Government Pleader, S.R.No.7328

W.P.No.1420 of 2022

GPL(CO)
RLP(22/02/2022)