



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.307 of 2022

K.Vinayagamoorthy

...Appellant

Vs.

1. The Inspector General of Registration
Office of Inspector General of Registration
Santhome High Road
Chennai 600 028.

2. The District Registrar
Tiruppur District
Tiruppur.

3. The Sub Registrar
Dharapuram Sub-Registration District
Dharapuram.

...Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 27.10.2021 made in W.P.No.21262 of 2021.

Prayer in W.P. No. 21262/2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to release the documents registered on 12.06.2020 vide Doc. No.P/Dharapuram/21/2020 within the specify period.

For the Appellant :Mr.J.Hariharan

For the Respondents :Mr.Yogesh Kannadasan
Spl. Govt. Pleader (Regn.)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)



The writ appeal has been filed challenging the order dated 27.10.2021 passed in the writ petition preferred by the petitioner.

2. The writ petition has been filed on the ground that the document presented by the appellant for registration has been retained without any justifiable reason. The learned Single Judge has endorsed the action of the respondents in retaining the document in reference to an Original Suit in which the appellant is not even a party.

3. Learned counsel for the appellant has referred to an order in the case of P.Rghupathi v. The Inspector General of Registration [Order dated 02.11.2021 in WP No.22009 of 2021], wherein a prayer of similar nature was allowed by the learned Single Judge.

4. Learned counsel for the respondents submits that the document presented by the appellant cannot be registered and accordingly, the Registrar is going to pass an order under Sections 71 and 76 of the Registration Act, 1908.

5. At this stage, learned counsel for the appellant submits that the order may be passed by the Registrar within a time frame, so that, if the appellant is aggrieved, he may take his remedy.

6. In view of the facts recorded above, the writ appeal is disposed of with a direction to the respondents to pass appropriate order in reference to the document presented by the appellant. The order aforesaid would be passed within a period of two weeks from the date of receipt of a copy of this order, with a copy to the appellant. If the said order remains adverse to the appellant, he would be at liberty to take appropriate remedy against the same.

7. As an appropriate order has been passed now, the order of the learned Single Judge stands modified to the extent indicated above.

8. With the aforesaid, the appeal stands disposed. There will be no order as to costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar



kpl

To

1. The Inspector General of Registration
Office of Inspector General of Registration
Santhome High Road
Chennai 600 028.

2. The District Registrar
Tiruppur District
Tiruppur.

3. The Sub Registrar
Dharapuram Sub-Registration District
Dharapuram.

+1cc to M/s. KV Law Firm, Advocate sr 21853.

+1cc to the Government Pleader, S.R.No.22698

[30/05/2022]

W.A.No.307 of 2022

RP(CO)
SP(07/04/2022)