



W.P.No.3599 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.3599 of 2017

N.Subbiah

...Petitioner

Vs.

1. The Sub-Registrar,
Joint 2 Sub-Register Office,
No.1A, Thirupathur Road,
Sivaganga - 630 561.
2. The District Registrar,
Sivaganga District Registration Office,
No.1, Thirupathur Road,
Sivaganga - 630 561.
3. The Inspect General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

...Respondents

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to order the 1st and 2nd respondents to furnish the certified copies sought by the petitioner through the petition dated 02.07.2016 under Indian Evidence Act 1872.

For Petitioner : No appearance.



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For Respondents : Mr.E.Vijay Anand, AGP

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 3rd respondent to order the 1st and 2nd respondents to consider the petitioner's petition dated 02.07.2016 made under Indian Evidence Act, 1872 and furnish the certified copies sought for.

2. The case of the petitioner is that the petitioner made a petition dated 02.07.2016 under Section 76 of the Indian Evidence Act, 1872, before the 1st respondent, seeking to furnish the certified copies of certain documents and attached the copy of the said petition to the 2nd and 3rd respondents as well. Upon receipt of the said petition, the 2nd respondent, vide proceedings dated 04.07.2016 bearing Na.Ka.No.2011/Aa1/2016, directed the Joint Sub-Registrar-II to pass orders on the petitioner's petition and the 3rd respondent, vide letter dated 27.07.2016 bearing No.31649/C5/2016, directed the 2nd respondent and the Joint Sub-Registrar-II to pass orders on the petitioner's petition and consequently submit the report regarding the same before the 3rd respondent. Thereafter, the Joint Sub-



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Registrar-II, vide proceedings dated 29.07.2016 bearing Na.Ka.No.117/

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2016, directed the petitioner to file appropriate petition under Section 57 of the Registration Act, 1908 along with the necessary charges, however, no exact direction was issued. Aggrieved by the said order, the petitioner filed another petition dated 09.08.2016 under the Indian Evidence Act, 1872 before the 2nd respondent, however, till date no orders have been passed. Hence, this Writ petition.

3. Learned Additional Government Pleader appearing for the respondents submitted that, the Joint Sub Registrar-II has already considered the petitioner's petition dated 02.07.2016 and passed appropriate orders on the same, vide order dated 29.07.2016. While such being the case, without challenging the above said order passed by the Joint Sub-Registrar-II before the Appellate Authority, the petitioner once again made a reminder petition before the 2nd respondent and sought for the very same documents and approached this Court by way of this petition seeking for direction to the respondents to pass orders on the very same petition, which is not sustainable. Hence, he prayed for dismissal of this Writ petition.



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4. Though the matter was listed today, the petitioner / party in person, did not appear before this Court. However, considering the long pendency of this Writ petition, this Court is inclined to pass the following orders.

5. It is borne out from the records that, initially, the petitioner made a petition dated 02.07.2016 before the 1st respondent, seeking to furnish the certified copies of certain documents and upon receipt of which, the 2nd as well as the 3rd respondents, directed the Joint Sub-Registrar-II to pass orders on the petitioner's petition and accordingly, the Joint Sub-Registrar-II, vide proceedings dated 29.07.2016 bearing Na.Ka.No.117/ 2016, passed appropriate orders on the petitioner's petition. Aggrieved by the said order, the petitioner preferred an appeal dated 09.08.2016 before the 2nd respondent, which was not considered till date.

6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner's appeal dated 09.08.2016 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of



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a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved person, if any.

7. With the above observations and directions, this Writ petition is accordingly disposed of. No costs.

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skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Sub-Registrar,
Joint 2 Sub-Register Office,
No.1A, Thirupathur Road,
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2. The District Registrar,
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