



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3196 of 2022

WEB COPY

C.Jebakumar

... Petitioner

Vs.

1.The District Registrar,
Tuticorin Registration Department,
Combined Register Office, Thoothukudi District.

2.The Sub Registrar,
Melur Sub Registrar,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to number the petitioner's appeal filed by him on 07.09.2020 before the first respondent against the order passed by the second respondent in Na.Ka.No.138/2020 dated 31.08.2020 and to dispose the same within a stipulated period fixed by this Court.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.J.John Rajadurai
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to number the petitioner's appeal filed by him on 07.09.2020 before the first respondent against the order passed by the second respondent dated 31.08.2020 under which the registration of the petitioner's sale deed was refused.

2. The petitioner seeks for early disposal of the appeal filed before the first respondent on 07.09.2020. According to the petitioner, he has submitted all the documentary evidences in support of his title. But the second respondent by its order dated 31.08.2020 has refused to register the sale deed erroneously and aggrieved by the same, he has preferred an appeal before the first respondent on 07.09.2020. But according to the petitioner, the first respondent has not taken the appeal on file till date. In such circumstances, he has sought for a direction to the first respondent to number the appeal and dispose of the same within a time frame to be fixed by this Court.



3. Heard Mr.R.Jegadeeswaran, learned counsel appearing for the petitioner and Mr.J.John Rajadurai, learned Government Advocate who accepts notice on behalf of the respondents.

4. No prejudice will be caused to the respondents, if the petitioner's appeal filed on 07.09.2020 before the first respondent is numbered and taken on file and disposed of within a time frame to be fixed by this Court after affording a fair hearing to the petitioner on merits and in accordance with law.

5. The petitioner has produced the order dated 31.08.2020 passed by the second respondent refusing to register the sale deed presented by the petitioner for registration. He has also produced documents to show that he is the owner of the subject property.

6. For the foregoing reasons, this Court directs the first respondent to number the petitioner's appeal filed on 07.09.2020 aggrieved by the order dated 31.08.2020 passed by the second respondent and pass final orders in the said appeal after affording a fair hearing to the petitioner within a period of three (3) months from the date of receipt of a copy of this order.

7. With the aforesaid directions, the writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1.The District Registrar,
Tuticorin Registration Department,
Combined Register Office,
Thoothukudi District.



2.The Sub Registrar,
Melur Sub Registrar,
Thoothukudi District.

+1cc to Mr.R.JEGADEESWARAN, Advocate Sr.No.7208

+1cc to SPECIAL GOVERNMENT PLEADER Sr.No.7521

ORDER MADE IN
W.P.[MD]No.3196 of 2022
Date:18.02.2022

SA(05.03.2022) 3P 5C