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W.P.No.1463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.1463 of 2023

Sundeeep Devarajan

... Petitioner

-Vs-

The District Registrar,
Administration,
Chengalpattu

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to consider the appeal filed by the petitioner herein on 18.03.2022 along with statement dated 20.05.2022, additional statement dated 15.06.2022 made by the petitioner herein and the information furnished by the Joint Commissioner, HR & CE Department, Kanchipuram in PM.No.9938/2022/E2 dated 20.11.2022 under RTI Act and to pass an order setting aside the impugned Registration Refusal Order in K.No.1/2022 dated 21.02.2022 made by the Sub-Registrar, Thiruporur relating to pending Document No.P467/2021 dated 14.09.2021 and further direct the respondent herein to register pending Doc.No.P467/2021 as provided under Section 72(2) of the Registration Act, 1908.



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For Petitioner : Mr.V.P.Sengottuvel,
Senior Counsel for
Ms.K.Indu Priya
For Respondent : Mrs.Akila Rajendran
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent herein to consider the appeal filed by the petitioner herein on 18.03.2022 along with statement dated 20.05.2022, additional statement dated 15.06.2022 made by the petitioner herein and the information furnished by the Joint Commissioner, HR & CE Department, Kanchipuram in PM.No.9938/2022/E2 dated 20.11.2022 under RTI Act and to pass an order setting aside the impugned Registration Refusal Order in K.No.1/2022 dated 21.02.2022 made by the Sub-Registrar, Thiruporur relating to pending Document No.P467/2021 dated 14.09.2021 and further direct the respondent herein to register pending Doc.No.P467/2021 as provided under Section 72(2) of the Registration Act, 1908.

2. The petitioner's document, which has been numbered as P467/2021 on the file of Sub Registrar, Thiruporur was refused to



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registration by the Registering Authority on the ground that, it seems that some objection had come from a trust called Arulmigu Nemili Alavanthar Naicker Trust.

3. Therefore, a refusal order to that effect has been passed by the Sub Registrar, Thiruporur on 21.02.2022. Challenging the said order, the petitioner preferred an appeal to the respondent District Registrar on 18.03.2022. After filing the appeal, the petitioner had also given the additional documents and statements including the copy of the decree obtained by the said trust dated 31.03.1999 in O.S.No.107 of 1994 on the file of the Principal Subordinate Judge, Chengalpattu, where the land in question pertaining to the document of the petitioner has been clearly demarcated as private persons land i.e., 44 persons' land to an extent of 98.71 acres. Therefore, from such extent of the land only, the petitioner purchased the property, therefore, absolutely, the property in question covered by the document, which has been kept pending is no way connected with the lands claimed by the Trust even according to the Civil Court decree. Hence, that cannot be cited as a reason by the Registering Authority. Therefore, considering all these aspects, the respondent



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District Registrar to pass orders on the appeal filed by the petitioner dated 18.03.2022 i.e., prayer of the petitioner. In support of the same, Mr.V.P.Sengottuvel, learned Senior Counsel appearing for the petitioner would make submissions brought to the notice of this Court about these developments as well as the supporting documents filed by the petitioner's side in the appeal, which is now pending before the respondent. Hence, the learned Senior Counsel seeks indulgence of this Court to that effect.

4. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondent, who would submit that, if at all the petitioner has already filed an appeal against the order passed by the Registering Authority dated 21.02.2022 and the said appeal has been kept pending since March 2022, where subsequently further statement as well as the supporting documents have been filed including the Civil Court decree as referred to above, all these documents would be considered by the respondent Appellate Authority and order to that effect would be passed within a time frame that may be stipulated by this Court.

5. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed



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before this Court.

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6. The only reason seems to have been cited by the Registering Authority by its communication dated 21.02.2022, which is the order impugned before the respondent in the appeal filed by the petitioner is that some objection has come from the trust called Arulmigu Nemili Alavanthar Naicker Trust.

7. In respect of the said objection, it is the contention of the petitioner's side that the Civil Court decree as referred to above itself denotes only the land belongs to 44 persons to an extent of 98.71 acres and therefore, if at all the petitioner purchased the land from and out of the 44 persons' land certainly that does not cover the lands belongs to the Trust, for which, the said Trust obtained the decree from the Civil Court referred to above. Hence, without verifying the said issue in proper perspective since the refusal has been made by the Registering Authority, the said aspect can very well be considered by the Appellate Authority in the pending appeal of the petitioner by taking into account the supporting documents filed by the petitioner, accordingly orders can be passed after



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giving an opportunity of being heard to the petitioner within a time frame.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent to consider the appeal filed by the petitioner dated 18.03.2022 against the order passed by the Registering Authority dated 21.02.2022 pertaining to the document No. P467/2021 on the file of the Sub Registrar, Thiruporur and after giving an opportunity of being heard to the petitioner, necessary orders on merits shall be passed by taking into account the discussion herein above made especially in the context of the land in question corresponding to the document, which is pending before the Authority concerned, as the same is arising out of the large extent of land belongs to 44 individuals and not covered by the Civil Court decree claimed to have been obtained by the said Trust, who have given the said complaint or objection to the Registering Authority and accordingly,



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necessary orders to that effect should be passed by the respondent within a period of four(4) weeks from the date of receipt of a copy of this order.

With these directions, this writ petition is disposed of. No costs.

23.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

Note: Issue order copy on 25.01.2023

To

The District Registrar,
Administration,
Chengalpattu

R. SURESH KUMAR, J.



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