



W.P.No.4711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4711 of 2023

K.Thangarasu

.... Petitioner

-Vs-

1 The Sub Registrar
SRO Office Nallur Tiruppur- 641 606.

2 The Joint Commissioner/ Executive Officer
Arulmigu Dhandayutapani Swamy
Thirukoil, Palani Dindugul- 624 601.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus direct the 1st Respondent to complete enquiry on file Na.Ka. No.185/ 2017 and pass orders within a time frame under Sec.22A of the Registration Act 1908.

For Petitioner : Mr.S.Girissh
for Mr.R.Venkatesh

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for R1
Mr.R.Karthikeyan
Standing Counsel – for R2



W.P.No.4711 of 2023

ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent to complete enquiry on file Na.Ka. No.185/ 2017 and pass orders within a time frame under Sec.22A of the Registration Act 1908.

2. The petitioner presented a document of settlement for registration to the 1st respondent. However, the second respondent temple authority seems to have made objection to the 1st respondent not to register the document.

3. In view of the said objection, which has been given sometime in 2017, the 1st respondent wanted to conduct enquiry and therefore he had issued summons to both sides and pursuant to the summons, it is claimed by the petitioner that the petitioner as well as the 2nd respondent had appeared and they have put forth their case. Thereafter, several times such summons were issued and every time they appeared before the 1st respondent and last such summon was issued on 24.05.2022 under which the date of hearing was fixed as 14.06.2022. On that date, the petitioner claimed to have appeared before the 1st respondent and enquiry was completed. Despite the enquiry having been completed, so far no orders have been passed and the document has been kept pending without registering it since 2017. Therefore, the petitioner seeks a direction to the 1st respondent to pass orders on the said enquiry and proceed



W.P.No.4711 of 2023

with the registration of the document in question.

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4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel for the 2nd respondent temple.

5. Learned Special Government Pleader would submit that, if already the enquiry is completed, orders would be passed within a time frame that may be stipulated by this Court.

6. Learned Standing Counsel for the 2nd respondent would submit that, even though already some summons were issued and some enquiry was conducted, still one more opportunity may be given to the 2nd respondent to put forth their case and thereafter let the 1st respondent pass orders on merits and in accordance with law.

7. Considering the aforesaid submission made by the learned Special Government Pleader appearing for the official respondent and the learned Standing Counsel for the 2nd respondent , this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the 1st respondent to complete



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W.P.No.4711 of 2023

the enquiry by giving one more opportunity to the petitioner as well as the 2nd respondent by giving separate summons to them fixing a date within two weeks from the date of receipt of a copy of such summons to appear and on that date both parties shall appear before the 1st respondent to put forth their case.

- After hearing both sides, the 1st respondent shall pass orders on the said enquiry within a period of four weeks thereafter on merits and in accordance with law.
- It is needless to mention that, depending upon the outcome of the enquiry, further course of action as to whether the document presented by the petitioner can be accepted or not can also be decided and accordingly the 1st respondent can act upon.

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

20.02.2023

Index : Yes/No
Internet : Yes/No
KST



W.P.No.4711 of 2023

To

WEB COPY

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W.P.No.4711 of 2023

R. SURESH KUMAR, J.

KST

W.P.No. 4711 of 2023

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