



WEB COPY



W.P.No.7232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7232 of 2023
and W.M.P.No.7280 of 2023

M. Kannan

... Petitioner

Vs.

1. Inspector General of Registration,
Chennai – 28.

2. Deputy Inspector General of Registration,
Cuddalore.

3. District Registrar (Admin),
Santhaimedu, Gingee Road,
Tindivanam,
Villupuram District.

4. Sub Registrar,
Avarapakkam, Santhaimedu,
Gingee Road,
Tindivanam.

5. Sub Registrar,
Marakanam,
Villupuram District.

6. N. Rakunath

7. P. Vimal

...

Respondents



W.P.No.7232 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records on the file of the 2nd respondent in pursuant of the proceedings dated 23.09.2022 bearing Na.Ka.No.4713/U/2022 ordered by the 2nd respondent and quash the same consequently, directing the 2nd respondent to consider the condone the delay petition and to direct to pass the order to appeal filed by the petitioner on merits without considering the pending disposal of the criminal case CC.No.210/2019.

For Petitioner : Mr.G. Srivenkatesh

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader [R1 to R5]

ORDER

Heard Mr.G. Srivenkatesh, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the respondents 1 to 5.

2. Under Section 77B(2) of the Registration Act, 1908, an appeal against the order of the District Registrar, requires to be filed within a period of 30 days. As per the circular of the Inspector General of Registration



W.P.No.7232 of 2023

dated 09.11.2018, such an appeal could be filed before the Deputy Inspector General of Registration, within 60 days from the date of receipt of a copy of the order passed by the District Registrar. Admittedly, the petitioner has belatedly filed the appeal after about 10 months. Thus, the proceedings of the Deputy Inspector General of Registration dated 23.09.2022, cannot be strictly found fault with, whereby, the petitioner's appeal was rejected on the ground that the appeal was filed after the limitation.

3. However, the learned counsel for the petitioner submitted that the petitioner is aged about 81 years and that since the appeal proceeding was handled by the earlier counsel, who had expired, they were not able to prefer the appeal in time.

4. Taking a lenient view in the matter, in view of the grounds raised by the learned counsel for the petitioner, this Court intends to invoke its powers under Article 226 of the Constitution of India, by granting liberty to the petitioner to present the appeal once again.

5. In the light of the above observations, the petitioner is granted



W.P.No.7232 of 2023

liberty to represent the appeal before the Deputy Inspector General Registration, within a period of 15 days from the date of receipt of a copy of this order. On receipt of such an appeal, the Deputy Inspector General of Registration shall consider the same, on its own merits and pass appropriate orders in accordance with law, without reference to the limitation prescribed under Section 77B of the Registration Act, 1908, as well as the circular of the Inspector General of Registration dated 09.11.2018, within a period of three (3) months thereafter.

6. Accordingly, the Writ Petition stands disposed of. No costs.
Connected miscellaneous petition is closed.

29.03.2023

Speaking/Non-speaking Order
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

Sni



W.P.No.7232 of 2023

To

WEB COPY

1. Inspector General of Registration,
Chennai – 28.
2. Deputy Inspector General of Registration,
Cuddalore.
3. District Registrar (Admin),
Santhaimedu, Gingee Road,
Tindivanam,
Villupuram District.
4. Sub Registrar,
Avarapakkam, Santhaimedu,
Gingee Road,
Tindivanam.
5. Sub Registrar,
Marakanam,
Villupuram District.



WEB COPY



W.P.No.7232 of 2023

M.S.RAMESH, J.

Sni

W.P.No.7232 of 2023

29.03.2023