



W.P.No.9452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.No.9452 of 2023
and W.M.P.No.9526 of 2023

1.Mr.Ramadoss

2.Mrs.Bhama

...Petitioners

Vs

1. The Inspector General of Registration
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600028.
- 2 The Deputy Inspector General of Registration,
No. 60 Giri Road
Srinivasapuram, Coimbatore.
- 3 The Assistant Inspector General of
Registration/District Registrar
Sivagangai Garden,
Thanjavur.
- 4 The Sub Registrar
Sub Register Office,
Nagore,
Nagapattinam District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for all relevant records relating to the Impugned Registration Refusal Order issued in No. RFL/NAGORE/44/2022 dated 10.06.2022 passed by the Sub-Registrar, Sub-Registrar Office, Nagore Nagapattinam District, the 4th respondent herein and quash the same as arbitrary, unreasonable, improper, illegal and against their own rules and regulations of the respondents and thereby directing the respondents to Register the Sale Deed dated 02.6.2022 executed by the Petitioners in favour of Mrs. Abrose Jameela and release the registered Sale Deed within the stipulated time granted by this Court.

For Petitioners : Mr.S.Srinivasan
For Respondents : Mr.V. Veluchamy
Add.Govt Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel for the petitioners and Mr.V. Veluchamy, learned Additional Government Pleader appearing for the respondents.



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3. According to the learned counsel for the petitioners, the petitioners have jointly executed a Sale Deed dated 02.06.2022 in favour of Mrs.Abrose Jameela and presented the sale deed before the 4th respondent for registration and obtained acknowledgment by fixing the date of registration on 02.06.2022. While presenting the said Sale Deed for registration, the 4th respondent had erroneously passed the impugned Registration Refusal Order No. RFL/NAGORE/44/2022 dated 10.06.2022 by refusing to register the document without following the rules or procedures to be adopted. Challenging the said impugned registration refusal order issued by the 4th respondent, the petitioners have preferred the appeal during June 2022 to set aside the impugned order and consequently direct the respondents to register the sale deed dated 02.06.2022 executed by the petitioners and release the Registered sale deed. The said appeal was kept pending without consideration for more than six(6) months. Since the said appeal was not considered by the respondents, the present Writ Petition has been filed.



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4. The learned Additional Government Pleader appearing for respondents would submit that eight(8) weeks time limit may be given to the respondents to consider the appeal preferred by the petitioners and call for enquiry and pass necessary orders.

5. Taking into consideration the nature of relief sought for in this writ petition and also looking into the averments made in this writ petition, this court is of the considered opinion that a duty is cast upon the Statutory Authority viz., respondents to consider the appeal preferred by the petitioners on its own merits and pass appropriate orders.

6. In such view of the matter, without going into the merits of the claim of the petitioner, there shall be a direction to the respondents herein to consider the appeal preferred by the petitioners and pass appropriate orders within a period of eight(8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently connected miscellaneous petition is closed.

28.03.2023

Index: Yes/No

msv

Note: Registry is directed to issue certified copy of this order, after the requisite Court Fee is paid for each of the petitioners.

To

1. The Inspector General of Registration
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai-600028.
- 2 The Deputy Inspector General of Registration,
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