



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.21951 of 2022

R.Vasan

... Petitioner

Vs.

1. The District Registrar (Management)
(Additional Incharge),
Salem West, Salem District

2. The Sub Registrar
Edappadi Sub Registration Office
Edappadi
Salem District

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in Appeal No.01/2022 dated 10.05.2022 confirming the order of 2nd respondent in Na.Ka. No.152/2021 dated 04.05.2021 and quash the same and consequentially issue direction directing the 2nd respondent to register the sale deed pending document No.6 of 2021 dated 19.03.2021 submitted by the petitioner in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



ORDER

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The writ petition is filed seeking to issue a writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in Appeal No.01/2022, dated 10.05.2022, confirming the order of 2nd respondent in Na.Ka. No.152/2021, dated 04.05.2021, and quash the same and consequentially, issue direction directing the 2nd respondent to register the sale deed pending document No.6 of 2021, dated 19.03.2021 submitted by the petitioner in accordance with law.

2. The learned counsel for the petitioner submitted that the petitioner had presented a sale document before the 2nd respondent for registration, vide document dated 19.03.2021 and though the petitioner paid the stamp duty as per the guideline value fixed by the 3rd respondent, the 2nd respondent kept the sale deed as pending document No.6 of 2021 and all of a sudden, he issued a communication in Na.Ka.No.152/2021, dated 04.05.2021 stating that the property involved in the sale deed was attached in connection with O.S.No.624 of 2018 in I.A.No.621 of 2018, dated 15.04.2021 and the same was received by the 2nd respondent on 29.04.2021 and thereby, he refused to register the sale deed. Aggrieved by the same, the



petitioner preferred an appeal to the 1st respondent through post in view of the prevailing pandemic situation. However, the 1st respondent without considering the prevailing pandemic and curfew situation returned the appeal, vide his proceedings in Na.Ka.No.3413/Aa1/2021 dated 14.06.2021 stating that the same was not presented within the statutory period of 30 days. Thereafter, the petitioner preferred a writ petition in W.P.No.20845 of 2021 and the same was ordered by this Court on 28.09.2021 directing the 1st respondent to consider the petitioner's appeal and pass appropriate orders within a period of 4 months by setting aside the order passed by the 1st respondent on 14.06.2021. On receipt of the said order, the 1st respondent without applying his mind, has passed the erroneous impugned order dated 15.05.2022. The 1st respondent neither set aside the order, nor returned the document but passed the impugned order. Therefore, the petitioner is before this Court. The learned counsel submitted that the document was not released and he has either not passed order or returned the document and after 45 days, he has passed the order as if the property was attached by the Court and he received the intimation on 29.04.2021.

3. In Paragraph 5 of the counter, the respondents have stated as



follows;

“The allegations made by the petitioners in his affidavit in para 3, are all false except a communication issued by this respondent to the petitioner in Na.Ka.No.152/2021 dated 04.05.2021 stating that the property involved in the sale deed was attached in connection with O.S.No.624 of 2018 in I.A.No.621 of 2018 dated 15.04.2021 and the same was received by this respondent on 29.04.2021 and thereby, this respondent refused to register the sale deed which is pending registration on my file as pending document No.6 of 2021”.

As per the counter filed by the respondents, the communication in respect of attachment was received by the respondents only on 29.04.2021 whereas, the document was presented by the petitioner on 19.03.2021 itself. Therefore, taking into consideration the facts and circumstances, this Court is inclined to quash the impugned order passed by the 1st respondent.

4. Accordingly, the impugned order passed by the 1st respondent in Appeal No.01/2022, dated 10.05.2022, is set aside. The 2nd respondent is directed to register the document, if it is otherwise in order and thereafter,



release the document in question. Aggrieved party can workout their remedy
in the manner known to law.

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5. Accordingly, the Writ Petition is allowed. There shall be no order as
to costs.

30.11.2023

ksa-2

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No



To

1. The District Registrar (Management)
(Additional Incharge),
Salem West, Salem District
2. The Sub Registrar
Edappadi Sub Registration Office
Edappadi
Salem District



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W.P. No.21951 of 2022



P.VELMURUGAN. J.

Ksa-2

W.P. No.21951 of 2022

30.11.2023