



WMP(MD). No.13276 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twelfth day of July Two Thousand and Twenty Four

PRESENT

THE HON`BLE MR.JUSTICE K.MURALI SHANKAR

WMP(MD). No.13276 of 2024

in

WP(MD)No.16102 of 2021

K.Kalyankumar

... Petitioner/ Appellant

Vs

1 The Sub Registrar
Sivakasi Sub-Registrar Office,
Sivakasi, Virudhunagar District.

2 K.Kalyani

3 K.Jayalakshmi

4 V.Bala Abirami

5 V.Deepa

... Respondents/ Respondents

Prayer in WMP(MD). No.13276 of 2024

Writ Miscellaneous Petition filed under Article 226 of Constitution of India to restore the writ petition filed in WP(MD) No.16102 of 2021 which was dismissed for default on 06.06.2024 and thus render justice.



WMP(MD). No.13276 of 2024

Prayer in WP(MD). 16102/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records of the 1st Respondent relating to the unilateral registration of the settlement deed Document No.7026/2012 dated 18-07-2012 and subsequent registration of settlement deed Document No.7027/2012 dated 18-07-2012 in the office of the 1st respondent i.e, Sub Registrar, Sivakasi Sub-Registrar Office, Sivakasi, Virudhunagar District are all invalid and against law and to pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Balakrishnan, Advocate for the Petitioner and of Mr.R.Ragavendran, Government Advocate for the 1st Respondent, this Court made the following order:

The Writ Miscellaneous Petition has been filed seeking orders to restore the W.P.(MD)No.16102 of 2021, on file, which was dismissed for default on 06.06.2024.

2. It is seen from the records that there was no representation for the petitioner on 05.03.2024 and 21.03.2024 and hence, the matter was adjourned to 26.03.2024 under the caption for dismissal. Subsequently, when the matter was taken up for hearing on 06.06.2024, there was no representation for the petitioner and hence, the Writ Petition was dismissed for default.



WMP(MD). No.13276 of 2024

WEB COPY

3. The learned counsel for the respondents would submit that they are leaving it to the discretion of the Court.

4. Considering the facts and circumstances of the case and also the reasons assigned, this Court is inclined to allow the petition. Hence, this petition will be allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand Only) by the petitioner, to the Legal Services Authority, attached to this Bench on or before 22.07.2024.

5. Post the matter on 23.07.2024 for reporting compliance.

Sd/-

Assistant Registrar (C.S.I)

// True Copy //

/07/2024

Sub Assistant Registrar
(CS-I , II , III, IV)

das

TO

The Sub Registrar
Sivakasi Sub-Registrar Office
Sivakasi
Virudhunagar District.



WMP(MD). No.13276 of 2024

Copy to:

WEB COPY

- 1.The Officer in Charge,
Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 12/07/2024

Hearing Date : 23.07.2024

=====

ORDER

=====

WMP(MD). No.13276 of 2024

in

WP(MD) No.16102 of 2021

Giving direction and etc.
as stated within.

SL(19.07.2024)/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.