



WP(MD). No.28571 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 28/08/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.28571 of 2022

1. M/s. Idhayam-G Family Store
2. Akila.G,

... Petitioners

Vs

1. The District Registrar (Administration),
Sub Registrar Office,
Madurai Road, Virudhunagar,
Virudhunagar District.

2. The Joint Sub Registrar No.I,
Sub Registrar Office, Madurai Road,
Virudhunagar, Virudhunagar District..

3. Sri.Thoppu Karuppasamy Textile (P) Ltd.,,
Thro its Director D.Giridharan, S/o Duraipandi Nadar, 471,
Kannusamy Gownder Street, Rathinapuri,
Coimbatore 641 027.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 1st respondent vide Na.Ka. 7618/A1/ 2022 dated 21.11.2022 and quash the same and may be pleased to issue direction to the 1st respondent to take the appeal



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petition challenging the order of 2nd respondent refusing for registration of sale deed dated 07.05.2019 vide No. 1/2022 dated 07.10.2022 on file and to dispose the same in accordance with law within time frame the appeal petition.

For Petitioner : M/s. K.Seenuramachandran
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The impugned order has been passed by the first respondent rejecting the appeal filed by the petitioner.

2. The petitioners presented agreement for sale executed by the third respondent. The same has been refused to be registered on the ground that patta has not been produced. However the document has been kept pending in Doc.No.27/2019. Thereafter the same has been refused to be registered by order dated 07.10.2022, against which, the petitioners preferred appeal before the first respondent. However, the same has been rejected on the ground that the appeal has not been filed within a period of 30 days.

3. The learned counsel for the petitioners contended that the appeal



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has been given in person and the authorities have received the same on 14.11.2022.

4. The learned Special Government Pleader has not disputed the said fact.

5. As the appeal has been filed within a period of 30 days, the appeal ought to have been entertained and orders should have been passed. Hence, the impugned order is liable to be set aside. Accordingly, the writ petition is allowed and the impugned order is set aside. The first respondent is directed to take the appeal on file and hear the appeal by giving opportunity to the petitioners taking into account the fact that SIDCO has sold the property in favour of the third respondent and the title is very clear and dispose of the appeal within a period of one month from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

28.08.2024

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N.SATHISH KUMAR,J

**ORDER
IN
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Date : 28/08/2024