



W.P(MD)No.4067 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4067 of 2025

and

W.M.P(MD)No.2917 of 2025

R.M.Venkatraman

..Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The Special Deputy Collector,
(Stamps) Stamps & Tax,
District Collector Campus,
Kokkirakulam, Tirunelveli.

3.The Sub Registrar,
Shenkottai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent vide proceedings in Muu.M.No.22714/N4/2024 dated 23.09.2024 and quash the same and consequently direct the 1st respondent to condone the delay of 228 days in filing appeal.



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For Petitioner : Mr.S.Packiya Muthu
For Respondent : Mr.N.Ramesh Arumugam
Govt. Advocate

ORDER

This writ petitioner seeks issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent vide proceedings in Muu.M.No.22714/N4/2024, dated 23.09.2024, and quash the same and consequently, direct the 1st respondent to condone the delay of 228 days in filing appeal.

2.The petitioner had purchased the property on 24.06.2021 from one I.Fathima Sherin. The property being an agricultural land, the petitioner had paid stamp duty and registration charges of Rs.74,700/- and Rs.1,00,000/- respectively. The third respondent had referred the matter to the second respondent under Section 47-A of the Stamp Act, 1899. Reply was given by the petitioner and the second respondent passed an order, directing the petitioner to pay the deficit stamp duty of Rs.1,37,07,859/-.

3. Being aggrieved by the same, the petitioner approached a counsel for the purpose of filing an appeal. However, the counsel did not file the appeal in time. Therefore, the petitioner approached a counsel practising before this



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Court for filing a writ petition challenging the order. He was advised that when there is an effective and alternative remedy by way of an appeal to the first respondent, he cannot file a writ petition. Therefore, the petitioner presented an appeal on 19.03.2024 before the first respondent.

4. By the time being the appeal came to be presented, delay had occasioned in filing of the same. Hence, the appeal was filed accompanied an application to condone the delay in filing the same. The first respondent rejected the condone delay application and consequently, the appeal. Hence, this writ petition.

5. I heard Mr.S.Packia Muthu for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents and I have gone through the records.

6. The Registration Act does not bar the application under Section 5 of the Limitation Act. If sufficient cause is shown by the party, then the first respondent is entitled to condone the delay, and entertain the appeal. The reason given by the petitioner is that the counsel, when he had approached first, had informed him that he had filed an appeal, but he had not done so.



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WEB COPY 7. Perusal of the affidavit filed in support of the condone delay application shows that the clerk attached the office of the counsel had misplaced the papers. For the purpose of condonation of delay, sufficient cause has to be shown. It has been settled by the Supreme Court in **Rafiq and another vs. Munshilal and another, AIR 1981 SC 1400** that the mistake committed by the counsel should not be visited on the party. Serious prejudice would be caused to the petitioner, in case the order of the second respondent is sustained, without going into the merits on account of the dismissal of the condone delay application. Hence, I am inclined to condone the delay of 228 days in pursuing the appeal.

8. Furthermore, the order passed by the first respondent has not set forth the reasons as to why the application for condonation delay came to be dismissed. An unreasoned order cannot be sustained. Reason is heartbeat of an order. If an order does not contain reasons, the order has to be treated as one without force of law.

9. In the light of the above discussion, the impugned order of the first respondent vide proceedings in Muu.M.No.22714/N4/2024 dated 23.09.2024 is



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set aside and the writ petition is allowed. The first respondent shall number the

appeal, hear and pass orders on merits. No costs. Consequently, connected

miscellaneous petition is closed.

18.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The Special Deputy Collector,
(Stamps) Stamps & Tax,
District Collector Campus,
Kokkirakulam, Tirunelveli.



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V.LAKSHMINARAYANAN, J.

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