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Court : Chennai Madurai

Decided On : Dec-22-2016

Judge : M.S. Ramesh

Appeal No. : W.P.(MD) No. 12325 of 2010 & M.P.(MD).No. 1 of 2010

Appellant : Ramar

Respondent : The Chief Controlling Revenue Authority,-cum-Inspector General of Registration, Chennai and Others

Judgement :

(Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the order passed by the 1st respondent in his proceedings K:.K:.vz;.2120/ vz.5/09, dated 11.12.2009 and quash the same as illegal and consequentially to direct the 1st respondent to take petitioner appeal on file by condoning the delay in filing he same and pass orders on merits within the period that may be stipulated by this Court.)

1. When the petitioner had presented a document for registration before the third respondent, the same was found by the authorities to be undervalued and kept as pending document No.1007/95. It is the case of the petitioner that though the

document was received by the authorities in the year 1995, they had chosen to pass an order on 30.06.2004, whereby the market value was estimated at Rs.1,59,053/-and the stamp deficit was deduced at Rs.19,090/-. Aggrieved against the same, the petitioner had filed an appeal before the first respondent on 10.07.2007. The first respondent by an order dated 11.12.2009 had rejected the petitioner's appeal on the ground of belated presentation. As against the same, the present writ petition has been filed.

2. Heard Mr.Rameez Ajmal Khan learned counsel for the petitioner and Mr.M.Alagathevan, learned Special Government Pleader for the respondents.

3. As rightly, pointed out by the learned counsel for the petitioner, the impugned order is liable to be set aside on the simple ground that it is a non-speaking order. On a perusal of the same, the first respondent in a single line has stated that the reasoning given by the petitioner for condoning the delay is not acceptable. On the other hand, the petitioner has filed an application along with the appeal setting forth all the reasons for the delay, which has not been considered by the first respondent.

4. It is a settled law that when an order is passed rejecting an application to condone the delay, the authority concerned is bound to give a reasoned order by considering the reasons given by the affected parties. As such, the non-consideration of the reasons set out by the petitioner for condoning the delay, since not considered, is liable to be rejected.

5. Under such circumstances, the impugned order, dated 11.12.2009 is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall consider the petitioner's appeal without reference to the delay and pass order on its own merits, within a period of 12 weeks from the date of receipt of a copy this order. With the above observation, the writ petition stands allowed. No costs. Connected miscellaneous petition is closed.

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