

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.14123 of 2015

and M.P.No.1 of 2015

1.Mrs.Sheila Jagannathan
2.Dr.Narasimham V.Jagannathan .. Petitioners

Vs.

1.Sub Registrar,
Office of the Sub Registrar,
Adyar, Chennai-600 015.
2.The District Registrar,
Office of the District Registrar,
Saidapet, Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceriorarified Mandamus to call for the records, show cause notice No.11019/A1/2014 dated 22.09.2014 on the file of the 2nd respondent herein and quash the same and consequently direct the 1st respondent to return the Document No.P201400278 dated 30.07.2014 without registration.

For Petitioners : Mr.V.Arunagiri
For Respondents : Mr.M.Digvijayapandian,
Additional Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioners have decided to execute a settlement deed in favour of "Sheila Jagannathan Family Trust" by voluntarily and irrevocably gifting, bequeathing and settling the movable and immovable property inherited by the Founder from her father Mr.V.S.Vasudevan towards the corpus fund of the trust and presented the said document for registration before the first respondent, vide Doc.No.P201400278 dated 30.07.2014 and also remitted the stamp duty of Rs.25,000/- and subsequently, some defects were pointed out and prayed for return of the document. However, to the shock and surprise of the petitioners, the second respondent issued the impugned show cause notice dated 22.09.2014 and in response to the same, the petitioners submitted a reply dated 10.10.2014 and also invoked the provisions of the Right to Information Act to know about the status of the matter and vide communication dated

03.03.2015, the first respondent has informed that the show cause has been issued. The petitioners, challenging the vires of the show cause notice, have filed this writ petition.

3. Heard the submissions of Mr.V.Arunagiri, learned counsel appearing for the petitioners and Mr.M.Digvijayapandian, learned Additional Government Pleader, who accepts notice for the respondents.

4. Admittedly, the impugned proceedings is a show cause notice for which the petitioners had submitted their response dated 10.10.2014. In the light of the above facts and circumstances of the case, this Court, without going into the merits of the claim projected either by the petitioners or by the respondents, directs the second respondent to take into consideration the reply submitted by the petitioners dated 10.10.2014 to the show cause notice dated 22.09.2014 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.Sub Registrar,
Office of the Sub Registrar,
Adyar, Chennai-600 015.

2.The District Registrar,
Office of the District Registrar,
Saidapet, Chennai.

+1 cc to Mr.V.Arunagiri, Advocate,SR.25858

+1 cc to The Government Pleader,SR.25899.

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