

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.14493 of 2015

T.Mahalakshmi @ Vetri Selvi

.. Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Chengalpet.

2.The Sub Registrar,
Office of the Sub-Registrar,
Madurantakam,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the second respondent to return the original settlement deed after completing the registration formalities dated 31.12.2014 vide deed of settlement pending Doc.No.P201400633 owned by the petitioner within a reasonable time and pass such further order or orders.

For Petitioner : Mr.C.B.Muralidharan
For Respondents 1 to 3 : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader

ORDER

Petitioner is the wife of R.Thanigavel. A document has been registered on 31.12.2014 and kept pending in Doc.No.P201400663. Seeking a direction to the second respondent to return the said registered document, the present writ petition has been filed.

2. Learned counsel for the petitioner would submit that once the document has been registered, the respondent cannot hold the same.

3. Learned Special Government Pleader on instructions would submit that the copy of the legal heir certificate has not been produced and only for that reason the document has been kept pending with the respondents.

4. When once a document is registered, the second respondent will have to return the same after registration. Even a perusal of the said document, it is clear that the petitioner's husband wanted to execute the settlement deed in respect of his share. Even though the document refer to the entire extent of property as the ancestral property, the portion sought for is only the share of the settlor.

5. Considering the same, the second respondent is directed to return the document subject to other formalities, such as payment of adequate stamp duty within a period of four weeks, from the date of receipt of a copy of this order. It is also made clear that the aforesaid order is passed only for the limited purpose of returning the document and does not have any relevancy to the title.

The writ petition is disposed of accordingly. No costs.

smi

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Registrar,
Office of the District Registrar,
Chengalpet.

2. The Sub Registrar,
Office of the Sub-Registrar,
Madurantakam,
Kancheepuram District.

+ 1 cc to Mr.C.B.Muralidharan, Advocate SR 62740

+ 1 cc to Govt.Pleader SR 62929

rv(co)
prk1/12

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