

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15655 of 2015

Dhayala Reddiyar

... Petitioner

Vs.

1. The Inspector General of Registration,
Rajaji Salai,
Santhome, Chennai,

2. The Sub Registrar,
Uthiramerur Sub Registrar Office,
Kanchipuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 2nd respondent to release the Settlement Deed dated 26.9.2012 registered as Pending Document No.147 of 2012 at S.R.O., Uthiramerur to the petitioner after complying all formalities.

For Petitioner : Mr.N.Nagu Sah

For Respondents : Mr.N.Roofus Abraham, Govt. Advocate

ORDER

The petitioner claims to be the owner of the agricultural land comprised in Punja Survey No.150/3 measuring 33 cents, 150/8 82 cents, 150/4 measuring 85 cents, 150/5 measuring 2 cents, 122/3 measuring 15 cents i.e., 1/6 share in 15 cents and Natham Survey No.84/1 measuring 840 Sq.ft situated at Theethalam village, Madurantakkam Taluk, Kanchipuram District by virtue of a registered Will dated 20.10.1975 executed by his father Raghava Reddiar. The petitioner further claims that he is in possession and enjoyment of the said properties and also cultivating the lands. The petitioner would further state that he in turn executed a settlement deed dated 26.9.2012 settling the above said properties in favour of his daughter and presented the same before the 2nd respondent for registration by paying requisite stamp duty and registration fees of Rs.2100/- under receipt dated 1.10.2012 and it was admitted as document No.P147 of 2012 on 1.10.2012 itself. The grievance of the petitioner is that though nearly three years lapsed the 2nd respondent did not return the document nor registered the document and hence came forward to file this writ petition.

2. Mr.N.Nagu Sah, learned counsel appearing for petitioner has drawn attention of this Court to the judgments reported in 2002 (3) CTC 544 (B.Rajappa and another Vs. The Special Deputy Collector (Stamps) and 2003-4-LW.193 (S.R.R.Sengotavelu Vs. The District Collector). In the light of the ratio laid down in the above said judgments, the registration authority has no right to retain the document after presenting for registration and prays for appropriate orders.

3. This Court heard the submissions of Mr.N.Roofus Abraham, learned Government Advocate, who has accepted notice on behalf of respondents.

4. In the light of the factual aspects and the legal position, this Court directs the 2nd respondent to register the document No.P147 of 2012 dated 1.10.2012 in accordance with law and return the same to the petitioner after making necessary endorsement. The said exercise shall be done by the 2nd respondent within a period of two weeks from the date of receipt of copy of this order.

5. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Inspector General of Registration,
Rajaji Salai,
Santhome, Chennai,

2. The Sub Registrar,
Uthiramerur Sub Registrar Office,
Kanchipuram District.

1 ccc to Government Pleader, Sr. 29553

W.P.No.15655 of 2015

AD (CO)
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