

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.14442 of 2014

and

M.P.No.1 of 2015

O.P.S.N.Pachaiappan

.. Petitioner

v.

1.State of Tamil Nadu
rep by Inspector General of Registration
Santhome High Road
Chennai 600 028.

2.The District Registrar
North Chennai
Rajaji Salai, Chennai 600 001.

3.The Sub-Registrar
Madhavaram Sub District
Bhagavath Singh Nagar
Madhavaram, Chennai 600 060.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents herein to assign regular registered document number to the Settlement Deed dated 06.03.2014 executed in favour of the petitioner in the Office of the 3rd respondent viz., Sub-Registrar, Madhavaram registered and kept as P.D.No.211/2014 and return the same to the petitioner.

For Petitioner : Mr.K.C.Mathanraj

For Respondents : Mr.S.Gunasekaran, Govt.Advocate

ORDER

The petitioner seeks for issuance of writ of mandamus directing the respondents to register the Settlement Deed dated 06.03.2014 which was presented and treated as Pending Document No.211 of 2014.

2. On 10.03.2015 when the writ petition was heard, Learned Additional Government Pleader, on instructions submitted that the third respondent had already passed an order refusing to register the document. Therefore, the third respondent was directed to communicate the same within a period of two weeks to the petitioner through registered post. However, this order has not been complied with, but it appears that earlier, on 19.05.2013, the third respondent sent a letter to the petitioner stating that the document

cannot be accepted for registration and if the petitioner wants the reasons, he has to apply for a certified copy.

3. In my view, the stand taken by the Sub Registrar, Madhavaram, refusing to furnish the speaking order for not entertaining the document for registration is arbitrary. If the respondent has passed an order refusing registration for some valid reason, that order should be a speaking order and it should be communicated to the petitioner, who is an aggrieved person. Hence, the respondent is bound to communicate the order refusing registration without need of the petitioner to apply for a copy.

4. In the light of the above, there will be a direction to the third respondent to communicate the order refusing to entertain the document for registration, to the petitioner, within a period of one week from the date of receipt of a copy of this order, by registered post with acknowledgement due. Thereafter, the petitioner is entitled to challenge the same in accordance with law.

Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector General of Registration
State of Tamil Nadu
Santhome High Road
Chennai 600 028.

2.The District Registrar
North Chennai
Rajaji Salai, Chennai 600 001.

3.The Sub-Registrar
Madhavaram Sub District
Bhagavath Singh Nagar
Madhavaram, Chennai 600 060.

+2 cc's to government Pleader, SR.17626, 13636.

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