

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Writ Petition No.21888 of 2015

S.Kanakarathnamma

... Petitioner

Vs.

1.The Sub-Registrar
No.8/45, Kammala Street
Thirukazhukundram - 603 109
Chengalpattu Taluk
Kancheepuram District

2.The Deputy Commissioner of Police
Central Crime Branch
Detective Department
Hyderabad - 500 029
Telangana State

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the first respondent to receive and acknowledge the Settlement Deed registered on 01.10.2014 pending Document No.57/2014 and consequently to register the same within a time frame to be stipulated by this Court.

For Petitioner : Mr.M.Kempuraj

For Respondents: Mr.V.Subbiah
Special Government Pleader for R1

सत्यमेव जयते

O R D E R

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

2. The petitioner is a senior citizen aged about 75 years. The petitioner claims that she is the owner of the property ad-measuring to an extent of 0.34 cents of agricultural land in Survey No.18/2 situated at Pooncherry Village, Kancheepuram District having purchased the same through a register sale deed bearing Document No.2296/99 dated 20.09.1999. The petitioner would state that she is under continuous possession and enjoyment of the same and out of love and affection, she has executed a settlement deed on a non-judicial

stamp paper on 01.10.2014 and it was presented before the first respondent for registration and was assigned with Document No.P.No.57/2014. Since the first respondent did not register the document, the petitioner made an enquiry and she came to know that due to the registration of a criminal case in Crime No.15/2011 on the file of WCO, Team-IV by the Assistant Commissioner of Police of the said team at Hyderabad, the document is not registered and the first respondent has issued impugned notice dated 18.05.2015 to that effect. Challenging the legality of the same, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner would submit that launching of a criminal prosecution cannot be cited as a ground of refusal to register a document, which is presented for registration, if the papers are otherwise in order and prays for appropriate order.

4. This Court heard the submissions of Mr.V.Subbiah, the learned Special Government Pleader appearing on behalf of the first respondent.

5. It is a well settled legal principle that unless there is a legal interdict in the form of restraint order restraining the concerned authority from registering the document, the concerned authority, namely the first respondent cannot refuse to register the document mainly on the basis of pendency of a criminal case.

6. It is also pertinent to point out at this juncture that in the case registered by the Hyderabad police, the son of the petitioner as well as her daughter-in-law are arrayed as accused. In the event of document being registered, the son of the petitioner would become the owner of the property and it may be easy for the prosecuting agency to proceed against his property in accordance with law.

7. In the light of the above facts and circumstances, the first respondent is directed to register the document pending in Document No.57/2014 in accordance with law, if the papers are otherwise in order. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8. The writ petition is disposed of accordingly. No costs.
gpa

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Sub-Registrar
No.8/45, Kammala Street
Thirukazhukundram - 603 109
Chengalpattu Taluk
Kancheepuram District

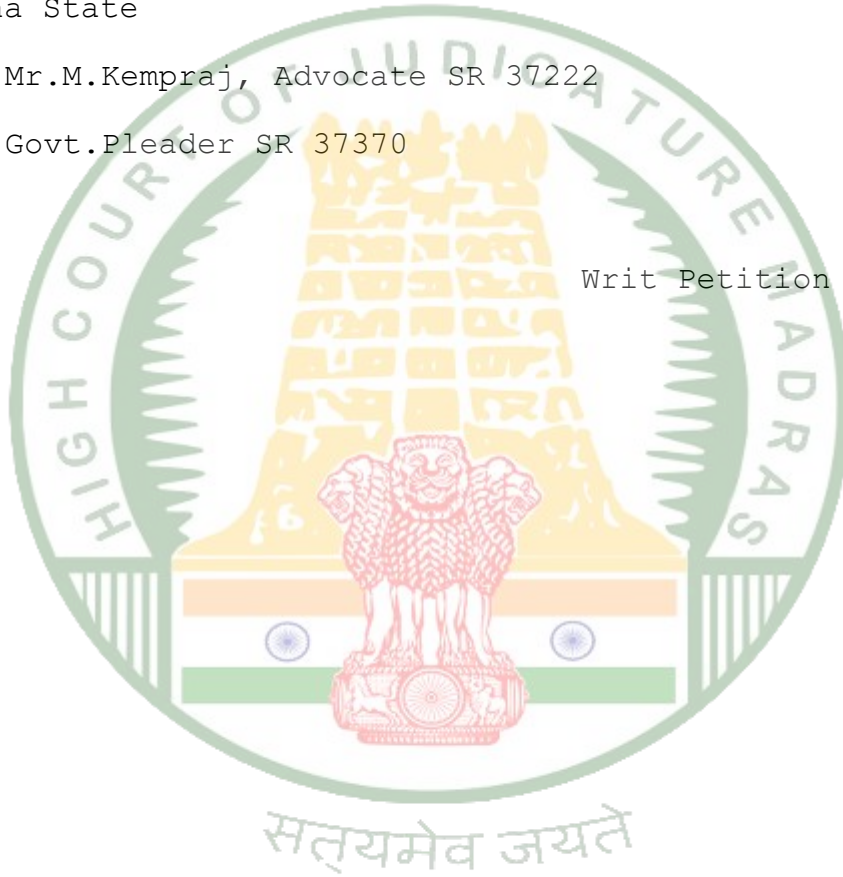
2.The Deputy Commissioner of Police
Central Crime Branch
Detective Department
Hyderabad - 500 029
Telangana State

+ 1 cc to Mr.M.Kempuraj, Advocate SR 37222

+ 1 cc to Govt.Pleader SR 37370

gj(co)
prk13/8

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