

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21991 of 2015

M.M.Venkataraman

.. Petitioner

VS

1. The District Registrar
(Administration)
South Madras
No.9, Jones Road
Saidapet, Chennai 600 015

2. The Sub Registrar
Adayar, Chennai

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to dispose of the statutory appeal filed under Section 72 of the Registration Act by the petitioner on 25.5.2015, within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

ORDER

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

2.The petitioner claims that he was the owner of the house site admeasuring to an extent of 3,846 square feet in Survey No.232/169, Patta No.2115, Plot No.2, Lakshmana Perumal Nagar Main Road, Kottiwakkam Village, Sholinganallur Taluk, Chennai, and originally, executed a settlement deed dated 26.2.2010, which resulted in dispute, and therefore, he cancelled the same vide Document No.266 of 2014 dated 4.2.2014. The petitioner would state that thereafter, he executed four settlement deeds in favour of his two sons and two daughters separately, and the second respondent has issued receipts for pending documents viz. P-126/2014, P-127/2014, P-128/2014 and P-129/2014, dated 23.4.2014, and he, later on, came to know that a criminal case is pending with regard to the above said house site, and on account of the same, approached the second respondent and produced the sale deed dated 11.4.2008, as well as the settlement deed dated 26.2.2010, and the cancellation deed dated 4.2.2014, and explained the situation.

3.The petitioner would further state that the proceedings of the second respondent was also put to challenge in W.P.No.14324 of 2014, and this Court directed the impugned proceedings to be treated as show cause notice and permitted the petitioner to submit his response; however, the second respondent, without taking into consideration the relevant aspects as well as law, vide proceedings dated 12.5.2015, has passed a final order negating the request for transfer of patta and refused to register the documents. According to the petitioner, aggrieved by the said fact, preferred an appeal to the first respondent on 25.5.2015, and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.C.Prakasam, learned Counsel appearing for the petitioner, and Mrs.P.Rajalakshmi, learned Government Advocate, who accepted notice on behalf of the respondents.

5.This Court, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the petitioner's Appeal Petition dated 25.5.2015, on merits and in accordance with law, and after putting the concerned persons, on notice and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the concerned persons. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The District Registrar
(Administration)
South Madras
No.9, Jones Road
Saidapet, Chennai 600 015

2. The Sub Registrar
Adayar, Chennai

+lcc to Government pleader sr.no. 37406
+lcc to Mr.C.Prakasam, Advocate sr.no.37506

W.P.No.21991 of 2015

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srg 31.07