

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.31096 of 2015

1. P.Arunachalam
2. A.Jayalalitha

... Petitioners

Vs

1. The Joint Sub Registrar II of Tiruppur,
Office of the Joint Sub Registrar II, Tiruppur - 641 652
2. The Executive Officer,
Arulmighu Visveswarasamy and
Veeraghavaperumal Temples,
Tiruppur Town, Tiruppur Dist. - 641 604 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the Supplemental Memorandum of Deposit of Title Deeds, dated 29.04.2015, executed by the petitioners in favour of the Bank of Baroda, Main Branch, Tiruppur, and kept as pending Document No.P-201500029 in the office of the first respondent, within a time to be stipulated by this Court.

For Petitioners : Mr. V.Nicholas

For Respondents : Mr. S.Diwakar, AGP., for R-1,
Mr. P.Sanjai Gandhi, AGP., for R-2

O R D E R

Mr.S.Diwakar, learned Additional Government Pleader, accepts notice for the first respondent and Mr.P.Sanjai Gandhi, learned Additional Government Pleader, accepts notice for the second respondent. By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. Seeking release of Supplemental Memorandum of Deposit of Title Deeds, dated 29.04.2015, executed by the petitioners in favour of the Bank of Baroda, Main Branch, Tiruppur, and kept as pending Document No.P-201500029 in the office of the first respondent, the present writ petition has been filed by the petitioners.

3. Heard the learned counsel appearing for both sides.

4. At the outset, the learned counsel appearing for both sides submitted that the issue raised in this writ petition is squarely covered by an earlier order of this Court in W.P.No.7694 of 2015, dated 07.09.2015.

5. This Court in the said writ petition, after taking into consideration the earlier orders passed, has passed the following order:-

"The grievance of the petitioner is that the 1st respondent is refusing to release the memorandum of deposit of title deeds dated 27.2.2015 executed by the petitioner in favour of Bank of Baroda, Main Branch, Tiruppur in view of the objection raised by the 2nd respondent.

2. When the matter is taken up for hearing, learned counsel appearing for the 2nd respondent has produced an order passed by this Court in N.Shanmugasundaram Vs. The Inspector General of Registration, Chennai and others (W.P.No.29914 of 2014, dated 4.2.2015) concerning the very same issue, in which the respondents herein are parties. It has been held in the said decision as under:-

"3. It is submitted by the learned counsel appearing for the 4th respondent that a Civil Suit has already been filed and the same is to be shortly numbered.

4. In any event, the 3rd respondent being Registering Authority, cannot refuse to accept the document for registration. If there is valid ground to refuse for registration, then the 3rd respondent should pass an order on the same and merely because a letter has been given by the 4th respondent cannot be a ground, even refusing to accept the document.

5. Accordingly, there will be a direction to the petitioner to present the document for registration before the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to consider the same, after issuing notice to the petitioner and the 4th respondent and pass reasoned order on merits and in accordance with law, within a period of four weeks from the date on which, the document is presented. It is open to the petitioner as well as the 4th respondent to produce the documents/proof, if any, in support of their claim before the 3rd respondent."

3. Considering the same, the writ petition stands disposed of by directing the 1st respondent to issue notice to both petitioner and the 2nd respondent and take appropriate action in accordance with law within a period of eight weeks from the date of receipt of copy of this order in the light of the decision referred supra. No costs."

6. As submitted by the learned counsel for both sides, the prayer, issue and the respondents involved in this writ petition as well as in W.P.No.7694 of 2015, dated 07.09.2015 are one and the same. Therefore, following the above decision, this Court is of the view that the same directions should be issued in this writ petition also. Accordingly, this writ petition stands disposed of in the aforestated manner. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

srk

To

1. The Joint Sub Registrar II of Tiruppur,
Office of the Joint Sub Registrar II,
Tiruppur - 641 652
2. The Executive Officer,
Arulmighu Visveswarasamy and
Veeraghavaperumal Temples,
Tiruppur Town, Tiruppur Dist. - 641 604

+1 cc to Mr.V.Nicholas, Advocate, sr.54034
+1 cc to The Government Pleader, sr.54224

W.P.No.31096 of 2015

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