

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.12356 of 2013
and M.P.No.1 of 2013

Mr. S.Govindarajulu

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By its Secretary,
Department of Revenue,
Fort St. George, Chennai - 600 009
 2. The Inspector General of Registration,
No.100, Pattinapakkam, Near Santhome Church,
Santhome High Road, Raja Annamalaipuram,
Chennai - 600 028
 3. The District Registrar,
Chengalpet Registrar Office, Chengalpet
 4. The District Collector, District Collectorate Office,
Kancheepuram District
 5. The Sub-Registrar, Office of the Sub-Registrar,
Uthiramerur - 603 406
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fifth respondent to register the petitioner's document / sale deed, dated 01.10.2012 vide bearing No.P201200146 (Receipt No.20124109).

For Petitioner : Mr. Kumar and Baskar

For Respondents: Mr. R.A.S.Senthilvel, AGP.,

O R D E R

Heard the learned counsel for both sides.

2. The petitioner sought to register a document, which is a sale deed dated 01.10.2012. The said document has been kept in P.No.201200146 (Receipt No.20124109) before the fifth respondent. As there was no basis for withholding the document, the petitioner made several representations, including a legal notice, dated 18.03.2013. By way of a reply, the fifth respondent has informed the petitioner that the document has not been returned to the petitioner, for the reason that patta No.P-146/2012, which pertains to the sale transaction, is pending for verification. It is further stated in

the reply that as and when the certificate is obtained on the genuineness of the patta, the document will be registered and returned. This communication was sent on 09.04.2013. The petitioner, thereafter, came before this Court and filed this writ petition, by enclosing the patta issued subsequently on 12.04.2013 in favour of Mr.Raghava Reddiar and Mr.D.Krishna Reddiar.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that two documents were sought to be registered for the very same property; one Dayala Reddiar, S/o. (Late) Raghava Reddiar executed a settlement deed in favour of his daughter and the said document has been kept as P.No.147/2012; as per the order passed by this Court in W.P.No.15655 of 2015, dated 16.06.2015, it was registered as Document No.3845/15 and handed over to the person concerned. However, P.No.146/2012, which is concerned with the petitioner, has not been registered and released.

4. It appears that the deceased Raghava Reddiar had executed a settlement deed in favour of the deceased Krishna Reddiar, by a registered sale deed, dated 17.01.1978, in document No.189/1978 and subsequently, Krishna Reddiar died. The legal heirs of Krishna Reddiar had executed a settlement deed in favour of the petitioner on 01.10.2012. Therefore, when the document said to have been executed by the son of Raghava Reddiar in favour of his mother is registered, there is no basis for the non-registration of the petitioner's document. If there are two rival claimants that has to be agitated before the Court of law. Admittedly, both the documents have been kept pending and the document pertaining to the daughter of Dayala Raghavan, S/o. Raghava Reddiar, has been registered. Now, the petitioner claims title through the registered settlement deed said to have been executed by the deceased Raghava Reddiar in favour of his son-in-law, Krishna Reddiar in the year 1978.

5. Therefore, this Court is of the considered view that the document pertaining to the petitioner has to be registered, especially when the rival document has been registered already. Accordingly, this writ petition stands allowed, by directing the fifth respondent to register the document-in- question and release the same to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. This order is being passed subject to the other requirements, including the payment of adequate stamp duty, liable to be paid at the time of presentation of the document, etc., No costs. Consequently, the connected MP is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

srk

To

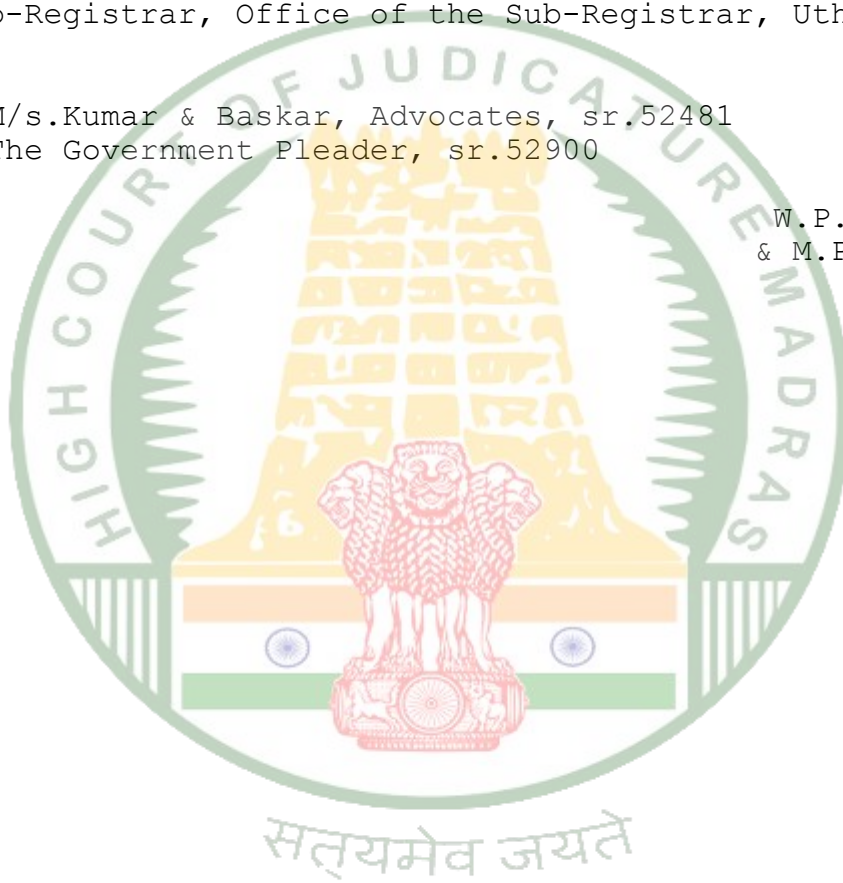
1. The Secretary, State of Tamil Nadu,
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2. The Inspector General of Registration,
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Santhome High Road, Raja Annamalaipuram,
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4. The District Collector, District Collectorate Office, Kancheepuram
District
5. The Sub-Registrar, Office of the Sub-Registrar, Uthiramerur - 603
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+1 cc to M/s.Kumar & Baskar, Advocates, sr.52481

+1 cc to The Government Pleader, sr.52900

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& M.P.No.1 of 2013

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