

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.7694 of 2015

A.Jayalalitha

... Petitioner

Vs.

1. The Joint II Sub Registrar of Tiruppur,
Office of the Joint II Sub Registrar,
Tiruppur - 641 652.

2. The Executive Officer,
Arulmighu Visveswarasamy and
Veeraraghavaperumal Temples,
Tiruppur Town, Tiruppur Dist.641 604.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st respondent namely the Joint II Sub Registrar of Tiruppur to release the memorandum of deposit of title deeds dated 27.2.2015 executed by the petitioner in favour of the Bank of Baroda Main Branch, Tiruppur and kept as pending document No.P.201500008 in the office of the Joint II Sub Registrar of Tiruppur within a time to be stipulated by this Court.

For Petitioner : Mr.V.Nicholas

For Respondents: Mr.S.Diwakar,AGP for R.1
Ms.G.Sumitra for R.2

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 temple 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.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint II Sub Registrar of Tiruppur,
Office of the Joint II Sub Registrar,
Tiruppur - 641 652.

2. The Executive Officer,
Arulmighu Visveswarasamy and
Veeraraghavaperumal Temples,
Tiruppur Town, Tiruppur Dist.641 604.

+ 1 cc to Ms. G. Sumitra, Advocate SR.48466

+1 cc to M/s.V.Nicholas, Advocate, sr.48646 (14/10/2015)

W.P.No.7694 of 2015

CTK(CO)
Eu 25.09.15



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