

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10568 of 2016

C.Manikandan

.. Petitioner

Vs.

1. The Inspector General of Registration,  
100, Santhome High Road,  
Chennai-600 028.
2. The Sub-Registrar,  
Padappai, Kanchipuram District.
3. The Sub-Registrar Joint-II, Tindivanam. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to register the settlement deed, dated 28.07.2015 presented before him on 10.08.2015 which is kept as Pending Document No.P93/2015 and release the same to the petitioner.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to register the settlement deed, dated 28.07.2015 presented before him on 10.08.2015 which is kept as Pending Document No.P93/2015 and release the same to the petitioner.

2. It is the case of the petitioner that the property measuring 2,400 Sq.Ft. in Survey No.289/1A and 302/2, Perungalathur Village, Kanchipuram District, absolutely belongs to the petitioner's wife, by virtue of the release deed, dated 22.01.2015 executed by the petitioner's wife's sister, which was registered as Document No.145 of 2015 on the file of the third respondent. Pursuant to the said release deed, the petitioner's wife is in possession and enjoyment of the said property. The petitioner's wife executed a settlement deed, dated 28.07.2015

in favour of the petitioner and presented the same to the second respondent for registration and also paid relevant stamp duty and registration fees. The second respondent refused to release the document to the petitioner, stating that the previous document was registered in Tindivanam before the third respondent and the details of such registration was not mentioned. The third respondent, by proceedings, dated 02.02.2015, sent a memorandum to the second respondent stating the particulars of the release deed, dated 22.01.2015. The petitioner's wife, who executed the settlement deed in favour of the petitioner, sent a representation, dated 10.08.2015 to the second respondent, requesting him to register and release the document. Though the said representation has been received by the second respondent on 12.08.2015, no action was taken. Hence, the petitioner sent a legal notice, dated 15.10.2015 to the respondents 1 and 2, requesting them to take action for registering and releasing the settlement deed. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the factual aspects of the matter, without going into the merits of the case, this Court directs the second respondent to consider the said representation, dated 10.08.2015 sent by the petitioner's wife and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and his wife, and it is for the second respondent to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.  
cs

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

Copy to

1. The Inspector General of Registration,  
100, Santhome High Road,  
Chennai-600 028.

2. The Sub-Registrar,  
Padappai, Kanchipuram District.

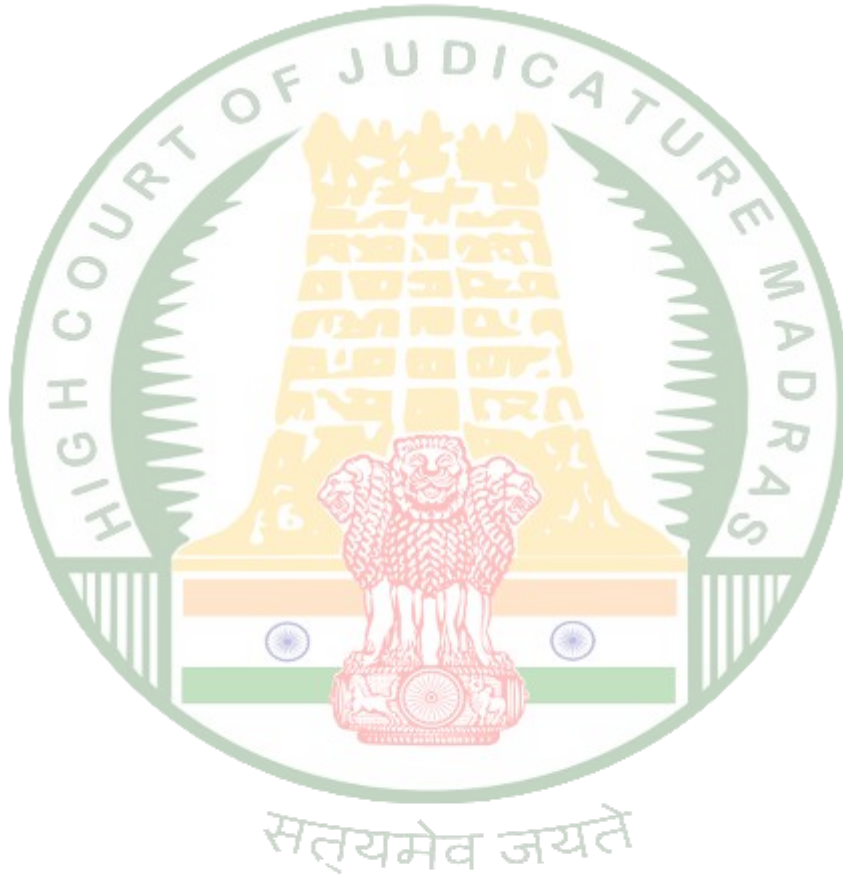
3. The Sub-Registrar Joint-II, Tindivanam.

+ 1 cc to Mr.J.Antony Jesus, Advocate, SR 17977

+ 1 cc to Govt.Pleader, High Court, Madras SR 18375

svi(co)  
prk5/4

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