

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10991 of 2016

T.Indirani

... Petitioner

vs.

The State of Tamil Nadu rep. by
Sub Registrar,
Anna Nagar, SRO
J.J.Complex, 100 Feet Road,
Thirumangalam,
Anna Nagar, Chennai- 40.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to register and release the document pending in P.No.312 of 2015 dated 29.10.2015 pending on the file of the respondent.

For Petitioner : Mrs.Selvi George

For Respondent : Mr.K.Thangapandi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to register and release the document in P.No.312 of 2015 dated 29.10.2015 pending on the file of the respondent.

2. It is the case of the petitioner that originally, the vacant land measuring to an extent of 27,710 sq.ft. comprised in Survey Nos.40/2 and 40/6, Block No.64, situated at No.106, Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District, was acquired by her husband A.Thangaraj @ Dhanrasu under a partition deed dated 04.09.1942, registered as Document No.1181 of 1942 on the file of the Sub Registrar Office, Saidapet. After the demise of her husband, the petitioner herein and her son, being his only legal heirs, have inherited the said property and have been in enjoyment of the same as absolute owners, without any hindrance or encumbrance whatsoever. While so, the petitioner and her son have appointed

one Harikumar S/o.Elumalai as their power of attorney agent, to obtain necessary permission and approval from the authorities concerned, for carrying out the development activities in the said land and for mutation of revenue records in their names. Thereafter, for meeting out their urgent family expenses, they decided to sell the property in question and for the said purpose, they have executed a Deed of Power in favour of the said Harikumar and presented the same for registration on 29.10.2015 along with required stamp duty to the respondent, who is keeping the same as pending document bearing No.P.312. Till date, no order has been passed by the respondent either to register or return the document. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Learned counsel for the petitioner submitted that the petitioner has presented the power deed for registration on 29.10.2015 along with the relevant documents and paid the necessary stamp duty. However, without assigning any reason, the respondent is keeping the document as pending, due to which, the petitioner is put to great hardship and prejudice.

4. Heard the learned Government Advocate, who took notice for the respondent.

5. Keeping the submissions made on either side, I have perused the materials placed before this Court. Admittedly, the petitioner has presented the document in question for registration on 29.10.2015 and has also paid the required registration fee. In that event, it is the duty of the respondent either to register the same, if it is in order or to return the same by stating valid reasons, as per law. Without doing so, the respondent is keeping the document as pending document bearing No.312/2015 for more than five months, which in my considered view, is improper and against law. Therefore, it would be appropriate to issue a direction to the respondent in this regard.

6. Accordingly, this writ petition is disposed of, with a direction to the respondent to register the document in P.No.312/2015 dated 29.10.2015 in accordance with law, if there is no legal infirmity, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

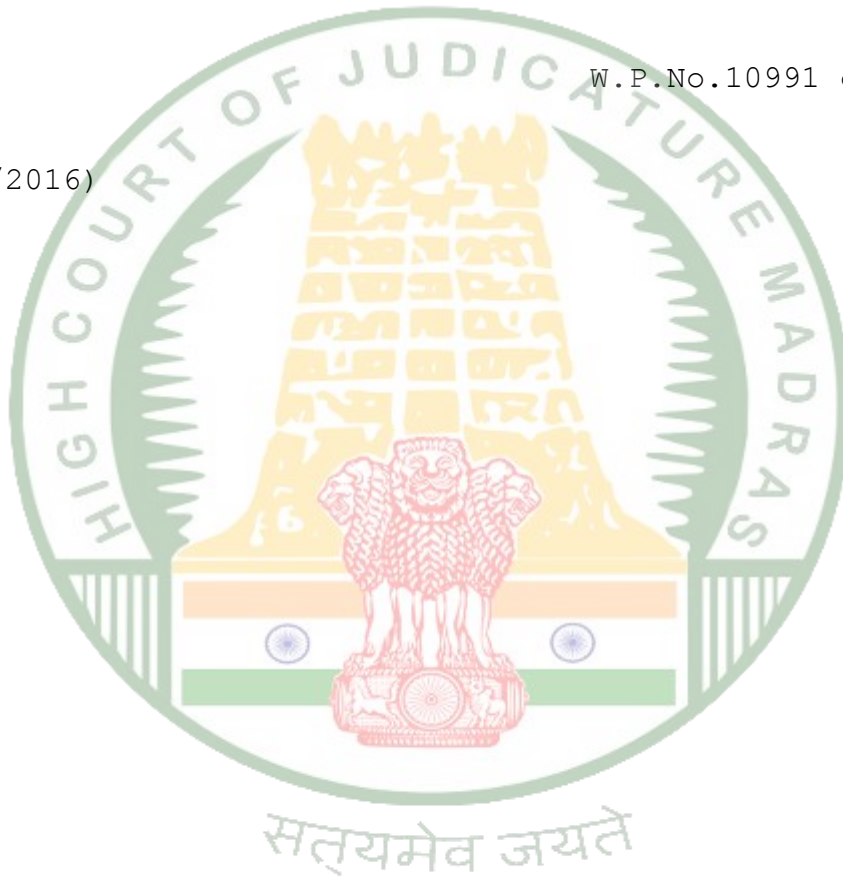
To

The State of TamilNadu rep by,
Sub Registrar,
Anna Nagar, SRO
J.J.Complex, 100 Feet Road,
Thirumangalam, Anna Nagar, Chennai- 40.

+lcc to M/s.Selvi George, Advocate, S.R.No.19703
+lcc to the Government Pleader, S.R.No.20155

W.P.No.10991 of 2016

sns(CO)
srg(01/04/2016)



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