

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13467 of 2016

and W.M.P.No.11821 of 2016

Valliammal

... Petitioner

vs.

The Sub Registrar,
O/o.The Sub Registrar,
Madhavaram,
Chennai-60.

.... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent herein to register the settlement deed executed by the petitioner dated 24.3.2016.

For Petitioner : Mrs.Dakshayani Reddy

For Respondent : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent herein to register the settlement deed executed by her dated 24.3.2016.

3. The case of the petitioner, in brief, is as follows:-

(a) The property situated at No.999/1B1A measuring to an extent of 88 cents comprised in T.S.No.3 Ward ' B', Block-24, Zone-III of Madhavaram Taluk, Thiruvallur District, along with the property comprised in 991/1B1B and 991/2 devolved upon the petitioner by way of gift deed executed by one Athma Rao Chetty vide document dated 1.5.1979. From the said date, the petitioner has been in possession and enjoyment of the same by

paying kist which is evident from the various records. Further, the Village Administrative Officer, has also given a certificate that the said properties are in possession and enjoyment of the petitioner.

(b) While so, in the year 2004, the petitioner settled the properties in Survey No.991/1B1B in favour of her son Settu vide document No.3955 of 2004 dated 12.8.2004, who in turn, executed a settlement deed dated 19.12.2011 in favour of the petitioner's daughter and grand daughter. In the meanwhile, all of a sudden, the revenue officials of Thiruvallur District tried to interfere with the possession of the petitioner under the guise of constructing a Taluk Office. Therefore, the petitioner's daughter and grand daughter approached this Court by filing a writ petition in W.P.No.31296 of 2014 and this Court by order dated 23.1.2015 allowed the said writ petition on the ground that there has been no notice to the petitioners therein and all the revenue records have been interpolated without any notice to the petitioners. Further, in the said writ petition, it was held that the revenue records including the Town Survey Register clearly reflected the name of the petitioner as the original owner of the properties. In the said writ petition, it was the specific stand of the Government that the land claimed by the petitioner is different and the property in Survey No.991 is different from the properties in Town Survey No.3 and that there is no correlation.

(c) Subsequent to the order of this Court, the Special Tahsildar-Town Survey and Settlement, Madhavaram, after conducting enquiry and after measuring the property in the presence of the petitioner, gave a report that the land as physically obtained by the petitioner was the same and was available in the Town Survey Register and that there was no confusion with the identity of the land as claimed by the officials before this Court in W.P.No.31296 of 2014. As far as the identity and correlation of the land is concerned, the Tahsildar has categorically given a report in favour of the petitioner.

(d) Since the petitioner is 90 years old, she is desirous of settling her property in Survey No.991/1B1A in favour of her grandson and hence, she executed a settlement deed vide settlement deed dated 24.3.2016. When the petitioner presented the said document for registration, instead of registering the document, the respondent orally informed her that as per certain instructions issued by some revenue officials, the registration could not be done. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case, this Court is of the view that the respondent has no manner of right to keep the document with him and he has to either register the same or to return the same by assigning valid reasons.

6. Therefore, the petitioner is directed to give a representation along with the settlement deed dated 24.3.2016 and also a copy of this order, to the respondent seeking to register the settlement deed, within a period of one week from the date of receipt of a copy of this order, and on receipt of the same, the respondent is directed to consider the said representation and pass appropriate orders / take appropriate action, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

The Sub Registrar,
O/o.The Sub Registrar,
Madhavaram,
Chennai-60.

+1 cc to M/s.Dakshayani Reddy Advocate sr.24123
+1 cc to Government Pleader sr.24162

W.P.No.13467 of 2016

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