

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.14322 of 2016
and WMP.No.12508 of 2016

S.Ali Asgar

.. Petitioner

Versus

- 1.The Government of Tamilnadu,
Represented by its Secretary,
Commercial Taxes Department,
Fort St.George, Chennai 600 009.
- 2.The Inspector General of Registration and
Chief Revenue Authority,
No.100, Santhome High Road,
Pattinapakkam, Chennai 600 028.
- 3.The Joint Sub-Registrar-1, District
Registrar office, Triplicane, Chennai-05. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the third respondent to register and return the settlement deed vide Document No.P.46 of 2014 executed by M/s.Saleh Estates represented by Mr.Ali Asgar to and in favour of Mrs.Yasmin Bhagat and presented for registration on 19.06.2014 before the third respondent, without imposing any condition or demand, within a time frame fixed by this Court.

For petitioner : Mr.J.Rajakalifulla, SC for
M/s. Munuruddian Sheriff

For Respondents : Mr.A.Kumar
Special Govt.Pleader

O R D E R

This writ petition has been filed to direct the third respondent to register and return the settlement deed bearing Document No.P.46 of 2014 executed by M/s.Saleh Estates represented by Mr.Ali Asgar to and in favour of Mrs.Yasmin Bhagat, which was presented for registration on 19.06.2014 before the third respondent, without imposing any condition or demand, within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner is one of the Partners of M/s.Saleh Estates, an Association of persons belonging to the family of Mr.Abdul Hussain Salebhai. The petitioner along with his brothers and sisters purchased a property comprised in R.S.No.1548/61, in Mylapore Division, situated at Eldams Road, Chennai 600 018, by three sale deeds dated 19th March 1993 and registered as document Nos.326 to 328 of 1993 before the third respondent. Thereafter, they have been in joint possession and enjoyment of the said property with equal rights. Whiles, the petitioner settled his 1/7th undivided share in the said property viz., Flat No.2 in the ground floor of the complex known as „ Asia Regency“ bearing New Door No.16 and Old Door No.165 Eldmas Road, Chennai-18 measuring to an extent of 432 sq.ft. together with undivided proportionate share in the lands measuring to an extent of 184.49 sq.ft.comprised in part of R.S.Nos.1548/1 and 1548/13 and current Re-survey No.1548/61 at Mylapore Division, Chennai, to and infavour of her mother Yasmin Bhagat and presented the same for registration before the third respondent on 19.06.2014. On receipt of the same, the third respondent assigned P.No.46 of 2014 and kept it as pending without registering the document. Thereafter, inspite of Inspite of several reminders, the third respondent did not register and return the document. Hence, the present writ petition came to be filed.

3. The learned Senior counsel appearing for the petitioner submitted that though the doucment in question was presented for registration on 19.06.2014 , the third respondent neither conducted enquiry neither registered the same nor returned it without registering the documents. Therefore, the petitioner filed this writ petition.

4. Considering the nature of the relief sought for herein and also taking note of the fact that the document is pending for the past two years, this Court directs the third respondent either to register or return the document in P.No.46/2014 dated 19.06.2014, within a period of fifteen days from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kkd

To

1. Secretary,

<https://hcservices.ecourts.gov.in/hcservices/>
The Government of Tamilnadu,
Commercial Taxes Department,
Fort St.George, Chennai 600 009.

2.The Inspector General of Registration and
Chief Revenue Authority,
No.100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

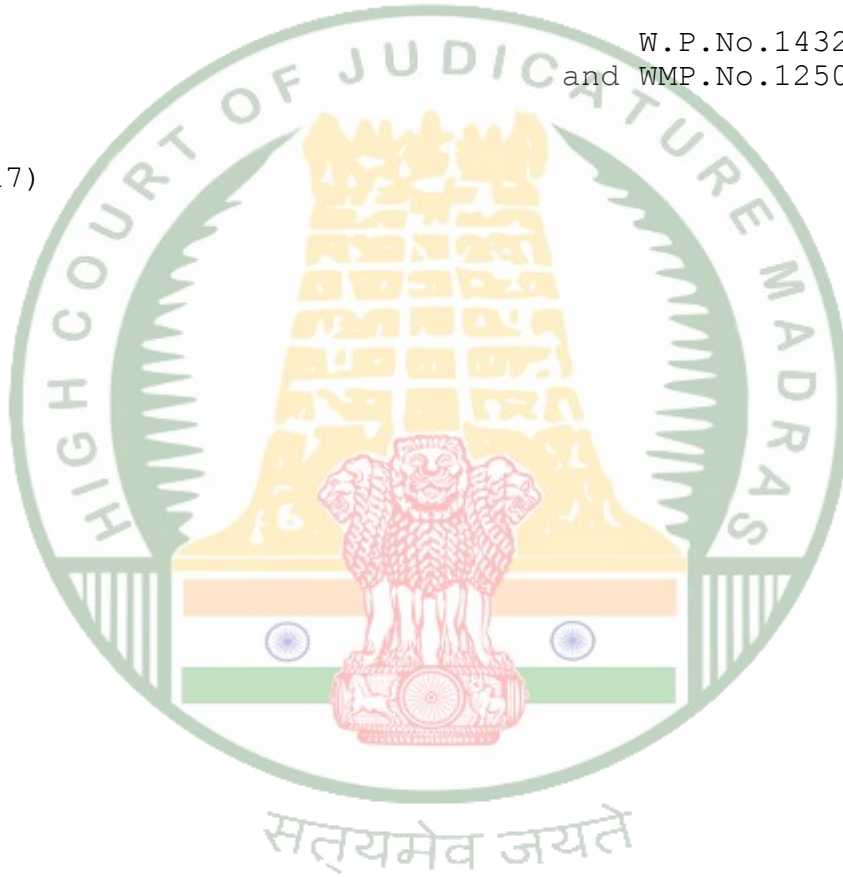
3.The Joint Sub-Registrar-1, District
Registrar office, Triplicane, Chennai-05.

+1cc to M/s.M.Muniruddin Sherff, Advocate sr.56812

+1cc to Government Pleader sr.56948

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ala(co)
ss(6/2/2017)



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