

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15229 of 2016

Ulagammal

... Petitioner

Vs.

1.The Sub Registrar,
Thirukkazukundram,
Kancheepuram District.

2.The District Registrar,
(Administration),
District Registrar Office,
Chengalpet Taluk,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the 1st respondent to register the pending document No.B.59/2014 dated 29.10.2014.

For Petitioner : Mr.R.Margabandhu

For Respondents: Mr.R.A.S.Senthilvel,
Additional Government Pleader.

O R D E R

The petitioner would state that one M.Kanniyappa Udayar was the owner of Natham land in S.No.470/2 admeasuring to an extent of 0.37 cents and 0.70 cents in S.No.470/3, located at Thirukalukundram, Karukacheri Panchayat, Kanchipuram District. The said Kanniyappa Udayar and his wife viz., Indrani Ammal executed a registered settlement deed dated 29.05.2008 in favour of their son viz., K.Narasimman, who in turn executed the sale deed in favour of the petitioner and the petitioner presented the said document for registration before the first respondent and it is being kept unregistered. The petitioner would further state that the said V.Kanniyappa Udayar has filed O.S.No.21 of 1999 on the file of the Court of District Munsif, Thirukalukundram and originally ex parte decree came to be passed on 14.02.2003 and vide order dated 04.02.2015, the suit was decreed as prayed for with costs and in the light of the same, there cannot be any impediment on the part of the first respondent to register the document.

2. Per contra, Mr.R.A.S.Sakthivel, the learned Additional Government Pleader, on instructions, would submit that in respect of the very same property a sale deed in Doc.No.3969 of 2015 has already been Registered before the Sub Registrar Office, Thirukalukundram.

3. This Court has carefully considered the rival submissions and also perused the materials before this Court.

4. Insofar as O.S.No.21 of 1999 is concerned, a perusal of the typed set of documents would disclose that ex parte decree was originally passed on 14.02.2003 and it was subject to challenge and once again vide order dated 04.02.2015, the suit was decreed as prayed for with costs. Insofar as the registered sale deed pertains to the very same property, the respondent is directed to furnish the detail of the same to the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner on receipt of the same, is directed to workout her remedy in accordance with law before the competent forum.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm
To

1.The Sub Registrar,
Thirukkazukundam,
Kancheepuram District.

2.The District Registrar,
(Administration),
District Registrar Office,
Chengalpet Taluk,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.39698

NRJK(CO)
EU(05/08/2016)

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