

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15586 of 2016

Mr. Tulukanam Naicker

[Petitioner]

Vs

The Sub Registrar
Registration Department
Office of the Sub Registrar
Neelangari Chennai.

[Respondent]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondent to register the Settlement Deed executed by the Petitioner in favour of his son Mr. Dhanasekaran presented before him on 01/04/2016 and once again on 21/04/2016 considering the Petitioner representation dated 01/04/2016.

For Petitioner : Mr.Karthikaa Ashok

For Respondents : Mr.S.Navaneethan, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to register the Settlement Deed executed by him in favour of his son Mr. Dhanasekaran presented before him on 01/04/2016 and once again on 21/04/2016, by considering his representation dated 01/04/2016.

2. It is the case of the petitioner that the property, a part and parcel of vacant land measuring an extent of 0.69 cents comprised in Survey No.144/A, Patta No.395, situated at Sholinganallur Village, Saidapet Taluk, Chengalpattu District was originally purchased by one Rajammal, under a sale deed dated 25.03.1937, registered as Document No.526/1937 in the office of the Sub Registrar, Saidapet. The said Rajammal is none other than the paternal aunt of the petitioner viz., sister of the petitioner's father Govindaraj Naicker. She had no issues. After the death of her husband, she was under the care and custody of

the petitioner's father Govindaraj Naicker. During her life time, she had executed a WILL dated 24.03.1969 bequeathing the property to the petitioner's father. Thereafter, a year from the date of execution of the said Will, she died due to illness. After her death, the property was acquired by the petitioner's father and he had become the absolute owner of the same by virtue of the said WILL dated 24.03.1969 and he had been in possession and enjoyment of the same till his life time. The petitioner's father Govindaraj Naicker had died intestate on 19.08.1989 leaving behind the petitioner as his legal heir to acquire the said property. The Tahisldar, Tambaram had issued the legal heir certificate and thus the petitioner became the absolute owner of the property and has been in enjoyment of the same. Since the petitioner wanted to settle the property in favour of his son Dhanasekaran, a Settlement Deed was executed by the petitioner in favour of his son before the respondent. The respondent also verified all the relevant documents including encumbrance. However, he refused to register the said Settlement Deed on a lame reason that no transaction in the property had been taken place after the year 1937 and so for the want of recent day transaction, the presentation of Settlement Deed was not accepted by the respondent. Hence, the petitioner has approached this Court by filing this writ petition for the above stated relief.

3. Heard Mr.Karthikaa Ashok, learned counsel for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader, who took notice for the respondent.

4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is given to the respondent to consider and pass orders on the representation of the petitioner dated 01.04.2016 within a stipulated time.

5. In view of the above submission made by the learned counsel for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to send a copy of the representation dated 01.04.2016 along with a copy of this order to the respondent 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 pass appropriate orders, after affording an opportunity of personal hearing to the petitioner. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rg

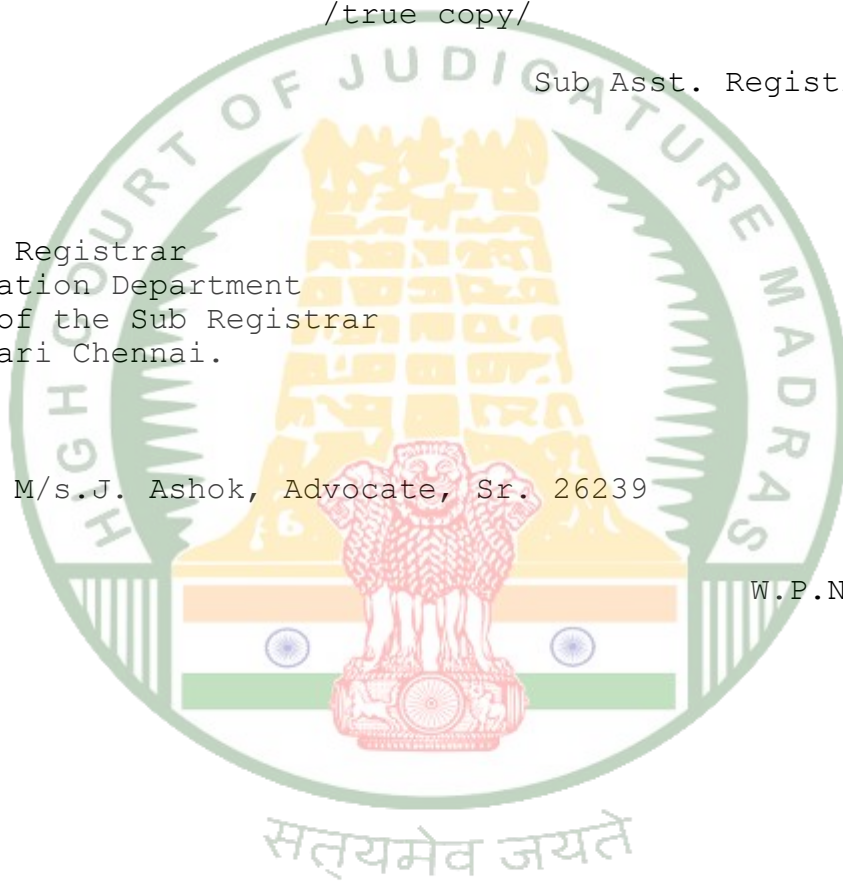
To

The Sub Registrar
Registration Department
Office of the Sub Registrar
Neelangari Chennai.

1 cc to M/s.J. Ashok, Advocate, Sr. 26239

W.P.No.15586 of 2016

UG (CO)
kk 29/4



WEB COPY