

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.20663 of 2010

Tmt.Santhi

.. Petitioner

Vs.

1.The Chief Controlling Revenue Authority and
Inspector General of Registration
Santhome, Tamil Nadu,
Chennai-28.

2.The Sub Registrar,
Office of the Sub Registrar
Sathiyamangalam,
Gingee Taluk,
Villupuram District.

3.A.Aranganathan
(R3 impleaded as per order
dated 21.4.2011 in M.P.1/2011
in WP.No.20663 of 2010)

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the second respondent to register and release the sale deed vide document No.P-201000040 dated 21.07.2010 to the petitioner based on her representation dated 19.08.2010 made to the second respondent herein.

For Petitioner : Mr.T.Dhanasekaran

For respondents : Mr.V.Jayaprakash Narayanan,
Spl.Govt.Pleader for R1 and 2.
Mr.G.Rajan for R3.

O R D E R

Heard both sides.

2.The petitioners have come up with the present writ petition for issuance of writ of mandamus to direct the second respondent to register and release the sale deed vide document No.P-201000040 dated 21.07.2010 to the petitioner based on her representation dated 19.08.2010 made to the second respondent herein.

3.The petitioner herein purchased the property situated at Veeramanallur Village, Gingee Taluk, Villupuram District bearing in S.No.56/3 to an extent of 1.74cents from one Arul on 21.07.2010 in Document No.P-201000040 on the file of the Sub Registrar, Sathyamangalam vide sale agreement dated 14.04.2010. The said property originally belongs to one Aranganathan. In order to sell his property the said Aranganathan appointed one Anna Durai as his power agent through registered Document No.2656 of 2008 before the Joint Registrar-II, Thiruvannamalai dated 26.12.2008. The said power agent/Anna Durai sold the property to one Shunmugam through sale deed dated 02.01.2009 in Document No.26/2009 on the file of DRO, Tindivanam. The said Shunmugam sold the same to one Arul vide document No.506/2009 dated 08.04.2009. The petitioner purchased the property from one Arul for the valid sale consideration.

4.The petitioner states that before purchasing the property she verified all the original documents including the encumbrance certificate, the sale deed was also executed by one Arul in favour of the petitioner on 21.07.2010. The petitioner paid entire stamp duty and registration charges before the second respondent for registration of said sale deed, after accepting the same and without assigning any reason, now the second respondent is not releasing the said document. The petitioner also submitted his representation dated 19.08.2010 calling upon the second respondent to release the sale deed and having received the same no response from the second respondent, the petitioner filed the present writ petition before this Court.

5.In my considered opinion, when the petitioner presented the document before the second respondent, either he ought to have registered the said document or returned the document to the petitioner. The second respondent cannot keep the document pending without any valid reasons. Therefore, this Court directs the second respondent to consider the representation of the petitioner's dated 19.08.2010 by affording opportunity of personal hearing to the petitioner, as well as to the third respondent/A.Aranganathan and other necessary parties, if any, and pass appropriate orders with regard to registration of the sale deed. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

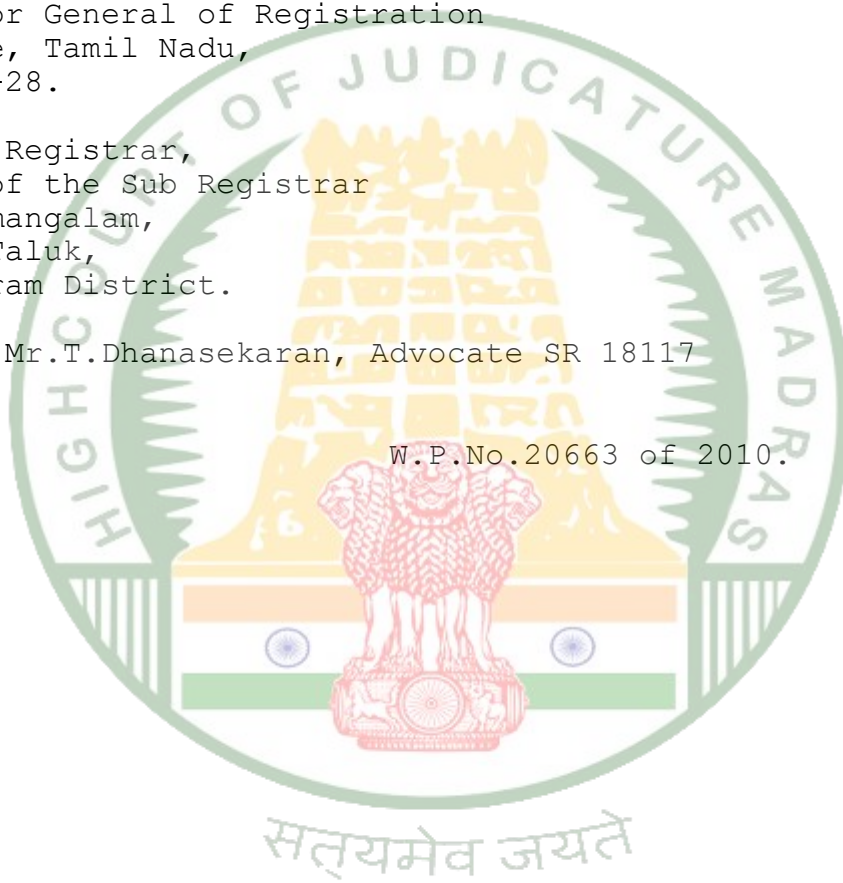
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+ 2 cc to Mr.T.Dhanasekaran, Advocate SR 18117

nm(co)
prk13/4

W.P.No.20663 of 2010.



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