

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18037 of 2016

Mrs.Kulliamma

... Petitioner

- Vs -

The Sub Registrar,
Sulagiri
Krishnagiri District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the Respondent to release the Settlement Deed dated 02.03.2016 registered as Doc. No.1272 of 2016 to the petitioner.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.P.Sanjay Gandhi
Addl Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal at the time of admission.

2 The prayer in the writ petition is to issue a direction to the respondent to release the settlement deed 02.3.2016 registered as Document No.1272 of 2016.

3. Heard Mr.A.Ilaya Perumal, learned Counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing on behalf of respondent.

4. The petitioner claims that her husband Rangappa is having land to the extent of 1-92.5 Ares at S.No.63/3 and he settled 1/5th share of the said property in favour of the petitioner by way of settlement deed dated 02.03.2016 and the said settlement deed was registered as Document No.1272 of 2016 on 11.3.2016. It is the grievance of the petitioner that as he has remitted the entire stamp duty, the respondent has no authority to retain the document after registration. Therefore, he sent a

representation dated 05.5.2016 to the respondent requesting to release the document. As no order was passed in the said representation, the petitioner has come up with the present writ petition.

4. Mr.A.Ilayaperumal, learned counsel for the petitioner would submit that the registering authority has no right to retain the document after registration. Learned counsel would also rely upon the judgment of this Court in TATA COFFEE LIMITED V. THE STATE OF TAMIL NADU BY THE SECRETARY TO GOVERNMENT AND OTHERS [2008 (3) CTC 614] in support of his submission.

5. In the light of the above facts and circumstances, this Court, without going into the merits of the writ petition, directs the respondent to consider and dispose of the petitioner's representation dated 05.05.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

The Sub Registrar,
Sulagiri
Krishnagiri District

+ 1 cc to Mr.Ailaya Perumal, Advocate SR 28420

+ 1 cc to Govt.Pleader SR 28586

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prk25/5

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