

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.2.2016.

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.No.7346 of 2013

Baskar
rep. by his Power Agent
Sampath

Petitioner

vs.

THE JOINT SUB-REGISTRAR I
REGISTRATION DEPARTMENT
VILLUPURAM.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to register the document and return the document present to petitioner for registration on 5.3.2012 pertaining to the property situated in S.No. 91A/1C 91A/1D 91/2B 91A/2C of Salamedu Village Villupuram District.

For Petitioner : Mr.V.Raghavachari

For Respondents: Ms.P.Rajalakshmi, Govt. Advocate

ORDER

The writ petition has been filed seeking issuance of a writ of mandamus to direct the respondent to register the document and return the document presented for registration on 5.3.2012 pertaining to the property situated in S.No. 91A/1C 91A/1D 91/2B 91A/2C of Salamedu Village Villupuram District.

2. Heard the learned counsel appearing for either side.

3. According to the petitioner he purchased the property in S.Nos.91A/1D, 91A/2C, 91A/1C and 91/2B measuring in all 0.48 cents at Salamedu Village from one Geetha, the power of attorney of Tmt.Chinnaponnu and others. The vendor Geetha was holding the power vide document No.51/92. There were some disputes between the vendor and the said Chinnaponnu and others and the same were resolved in O.S.No.31 of 2002 wherein the vendor of the petitioner was successful. The grievance of the petitioner is that when the sale deed in his favour was presented for registration, the same was returned without being registered and when it was re-presented with a sum of Rs.100/- towards

registration charges, the same was received by the Sub-Registrar, but, the document was not registered without adducing any reason for the same. Hence, the present writ petition has been filed.

4. The respondent has filed a counter contending that the General Power of Attorney in favour of Geetha in Document No.51/1992 was later cancelled vide Document No.33/1993 dated 31.3.1993 and Document No.132/2008 dated 27.3.2008 and the respondent has not received any document with regard to O.S.No.31 of 2002 which was decided ex parte against Chinnaponnu. It is further contended by the respondent that when the respondent had sent a notice dated 13.8.2012 to the said Chinnaponnu to find out whether she has got any objection with regard to registration of the document, the respondent was requested by Chinnaponnu by letters dated 15.8.2012, 2.9.2012 and 31.10.2012 not to register the document as she has filed I.A.No.1022 of 2012 in O.S.No.31 of 2002 to set aside the ex parte order and hence, the document was not registered.

5. Considering the fact that the document was presented in the year 2012 itself, the respondent has no right to keep it pending for four years. Therefore, the respondent is directed to conduct enquiry by affording opportunity of personal hearing to the petitioner as well as Chinna Ponnu and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order, with regard to registration of the document. It is made clear that this court has not expressed any view on the merits of the case and it is for the respondent to decide the issue purely on merits. The writ petition is disposed of accordingly. No costs.

ssk.

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

THE JOINT SUB-REGISTRAR I
REGISTRATION DEPARTMENT
VILLUPURAM.

+ 1 cc to Government Pleader, High Court, Madras SR 10594

rsk(co)
prk8/3

W.P.No.7346 of 2013