

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.29514 of 2015

Mr.G.Baisul

... Petitioner

Vs.

1.The DIG, Registration Department,
27, Rajaji Salai,
Chennai-600 001.

2.The Sub-Registrar,
Triplicane,
Chennai-600 005.

3.Ms.S.Radha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, for a direction, directing the 2nd respondent to register the sale deed with regard to the property house, ground and premises bearing present Corporation Door No.21 (Old No.8), Typhoon Ali Khan Bahadur Street, Triplicane, Chennai-600 005, comprised in Old Survey No.1005, R.S.No.3084/2, C.C.No.1854 measuring an extent of 752 sq.ft and as per Document No.962 sq.ft, within the registration District of Central Chennai and Sub-Registration District of Triplicane, Chennai on the date of its presentation to the 2nd respondent and consequently, to delete the entry of registered deed bearing No.5 of 2014, dated 23.05.2014 on the file of the 2nd respondent.

For Petitioner : Mr.S.Arivazhagan

For respondents : Mr.P.Sanjay Gandhi, AGP (For R1 & R2)
Mr.K.Ravindranath (For R3)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus directing the 2nd respondent to register the sale deed with regard to the property bearing present Corporation Door No.21 (Old No.8), Typhoon Ali Khan Bahadur Street, Triplicane, Chennai-600 005, comprised in Old Survey No.1005, R.S.No.3084/2, C.C.No.1854, measuring an extent of 752 sq.ft, as per Document No.962 sq.ft, within the registration District of Central Chennai and Sub-Registration District of Triplicane, Chennai and consequently, to delete the entry of registered deed bearing

No.5 of 2014, dated 23.05.2014 on the file of the 2nd respondent.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

The petitioner is the owner of the property viz., house, ground and premises bearing present Corporation Door No.21 (Old No.8), Typhoon Ali Khan Bahadur Street, Triplicane, Chennai-600 005, comprised in Old Survey No.1005, R.S.No.3084/2, C.C.No.1854, measuring an extent of 752 sq.ft, as per Document No.962 sq.ft, within the registration District of Central Chennai and Sub-Registration District of Triplicane, Chennai. The said property has been settled in favour of the petitioner by the previous owners Mr.P.S.Gulam and P.K.R.Gulappar Jan, by way of registered Settlement Deed vide Doc.No.276 of 2008, dated 25.01.2008, on the file of SRO, Triplicane. Since his name has been wrongly mentioned as "G.BAISIL" instead of "G.BAISUL", again a Rectification Deed was executed by the previous owners by way of registered Rectification Deed dated 07.07.2008 bearing Doc.No.898 of 2008 on the file of the SRO, Triplicane. The petitioner went to the office of the 2nd respondent on 16.02.2015 to register a sale deed with regard to the schedule mentioned property, but, the 2nd respondent declined to register the same, without disclosing any valid reason. Hence, the petitioner made a representation dated 24.02.2015 to the 2nd respondent seeking to furnish valid reason for not registering the said document. But, no reply was received by the petitioner from the 2nd respondent. Later, on verification, the petitioner came to know that the 3rd respondent herein has filed a suit in C.S.No.328 of 2014 before this Court, in respect of the subject property. But, in the said suit, no interim order has been granted by this Court, restraining the 2nd respondent from registering the sale deed. Hence, the petitioner has come forward with the present writ petition before this Court seeking to direct the 2nd respondent to register the sale deed.

3.Heard both sides and perused the materials available on record.

4.Considering the facts and circumstances of the case, I am of the opinion that a positive direction to the 2nd respondent to register the document in respect of the property, which is the subject of a pending suit, as sought for by the petitioner cannot be granted by this Court. However, it is seen that there is no interim order in the said suit, restraining the 2nd respondent from registering the document.

5.Hence, this Court directs the petitioner to give a fresh representation to the 2nd respondent with regard to the registration of the document in respect of the subject property, within a period of two weeks from the date of

receipt of a copy of this order. On receipt of such a representation, the 2nd respondent is directed to consider the same and pass appropriate orders, after conducting an enquiry by affording an opportunity of personal hearing to the petitioner as well as all other necessary parties, if any, on merits and in accordance with law, as early as possible.

With the above terms, the writ petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssv

To

1.The DIG, Registration Department,
27, Rajaji Salai,
Chennai-600 001.

2.The Sub-Registrar,
Triplicane,
Chennai-600 005.

+1cc to Mr.S. Arivazhagan, Advocate, S.R.No.12692
+1cc to the Government Pleader, S.R.No.12529

SVI (CO)
EU(29/03/2016)

सत्यमेव जयते W.P.No.29514 of 2015

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