

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24162 of 2016

K.Mary Asuntha

... Petitioner

Versus

1. The Sub Registrar
Konnur, Ambattur Taluk
Tiruvallur District 600049.

2. H.Meeran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent not to entertain any registration in respect of the property in Old S.No.12/1 New S.No.12/1C and 12/1D Plot Nos.3 and 4, measuring 5314 sqft situate at Mannurpet Village, Ambattur Taluk, Tiruvallur District on the basis of the representation of the petitioner dated 17.06.2016 and thereby restrain the 2nd respondent from creating any encumbrance in the property.

For Petitioner : Mr.P.V.Selvarajan

For R1 : Mr.V.S.Ramesh,
Government Advocate

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the owner in respect of Item No.3 of the registered Settlement Deed dated 10.10.2005 in Document No.4983/2005, registered on the file of the office of the Sub Registrar, Konnur. The petitioner in turn, settled the said property in favour of her husband, Kasinathan, through a registered Settlement Deed bearing Document No.5224/2005 dated 26.10.2005 and a suit in OS.No.50/2006 is also pending on the file of the Court of Principal District Judge, Thiruvallur to declare that the said Settlement Deeds are null and void and it was decreed on 22.03.2012 and according to the petitioner, on account of the demise of his

father, the decree is in-executable. The grievance expressed by the petitioner is that her brothers and sisters are trying to claim the said property and in this regard, she has submitted a representation dated 17.06.2016 to the 1st respondent not to entertain registration in respect of the said property in question and since no response is forthcoming, she came forward to file the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.V.S.Ramesh, learned Government Advocate who accepts notice on behalf of the 1st respondent and who would contend that there cannot be an order of ad-interim injunction to restrain the 1st respondent from performing his statutory duties under the Indian Registration Act and prays for dismissal of this writ petition.

4. Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 17.06.2016 on merits and in accordance with law, after putting on notice the 2nd respondent herein and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 2nd respondent.

5. The writ petition is disposed of with the above direction and observation. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar
Konnur, Ambattur Taluk
Tiruvallur District 600 049.

+1cc to Mr.P.V.Selvarajan, Advocate, S.R.No.39776
+1cc to the Government Pleader, S.R.No.39665

W.P.No.24162 of 2016

GR(CO)

CA(29/07/2016)