

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24672 of 2016

Dr.N.Dhanalakshmi

... Petitioner

Vs.

1. The Inspector General of Registration
Office of Inspector General
No.100, Santhome High Road,
Chennai-600 004.

2. The Sub-Registrar
Kundrathur Sub Registrar Office
Kundrathur - Post
Kancheepuram - District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus to quash the check slip dated 20.05.2016 to the petitioner by the 2nd respondent herein and further direct the 2nd respondent to accept and to register the release deed executed by Mr.AdamBasha who is the husband in favour of the petitioner without insisting parent document bearing registration No.3414 of 2011 on the file of the S.R.O.Kundrathur Kancheepuram - District.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

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

2.The husband of the petitioner namely, Adam Basha had purchased vacant plot admeasuring an extent of 943 sq.ft in Survey No.1A1A in Kundrathur Village, Sriperumputhur Taluk, Kancheepuram District through a registered sale deed bearing document no.3414/2011, registered on the file of the S.R.O. Kundrathur and has also mortgaged the same in favour of LIC Housing Finance Limited, Chennai - 15. The husband of the petitioner has executed deed of release dated 20.05.2016 and the said document was presented for registration before the second respondent, who vide impugned communication dated 20.05.2016, in

the form of cheque slip has directed the petitioner to produce the earlier document of title bearing document no.3414/2011 and challenging the legality of the same, the petitioner has come forward to file this writ petition.

3.Mr.D.Veerasekaran, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of papers and would submit that the property has been mortgaged in favour of LIC Housing Finance Limited, Chennai - 15 and vide communication dated 13.01.2016, they have also expressed no objection for execution of release deed by the husband of the petitioner, in favour of the petitioner and in the light of the same, there cannot be any impediment on the part of the second respondent to register the release deed presented by the petitioner and prays for appropriate orders.

4.Per contra, Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents would contend that unless and until, the petitioner produces the earlier document of title, the release deed cannot be registered.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A perusal of the typed set of documents would disclose that the Manager (Operations) of the LIC Housing Finance Limited, Chennai - 15 has given a no objection certificate for the execution of the release deed in favour of the petitioner, in respect of the property mortgaged to them and in the light of the same, the reasons assigned in the impugned cheque slip issued by the second respondent, are not in order.

7.In the result, the writ petition is allowed and the impugned cheque slip dated 20.05.2016, issued by the second respondent, is set aside and the petitioner is at liberty to produce the release deed for registration within a period of one week from the date of receipt of a copy of this order and the second respondent on receipt of the same, is directed to consider the said document for registration, if the papers are otherwise in order and pass appropriate orders, in accordance with law, within a further period of two weeks thereafter and communicate the decision taken, to the petitioner. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration
Office of Inspector General
No.100, Santhome High Road,
Chennai-600 004.

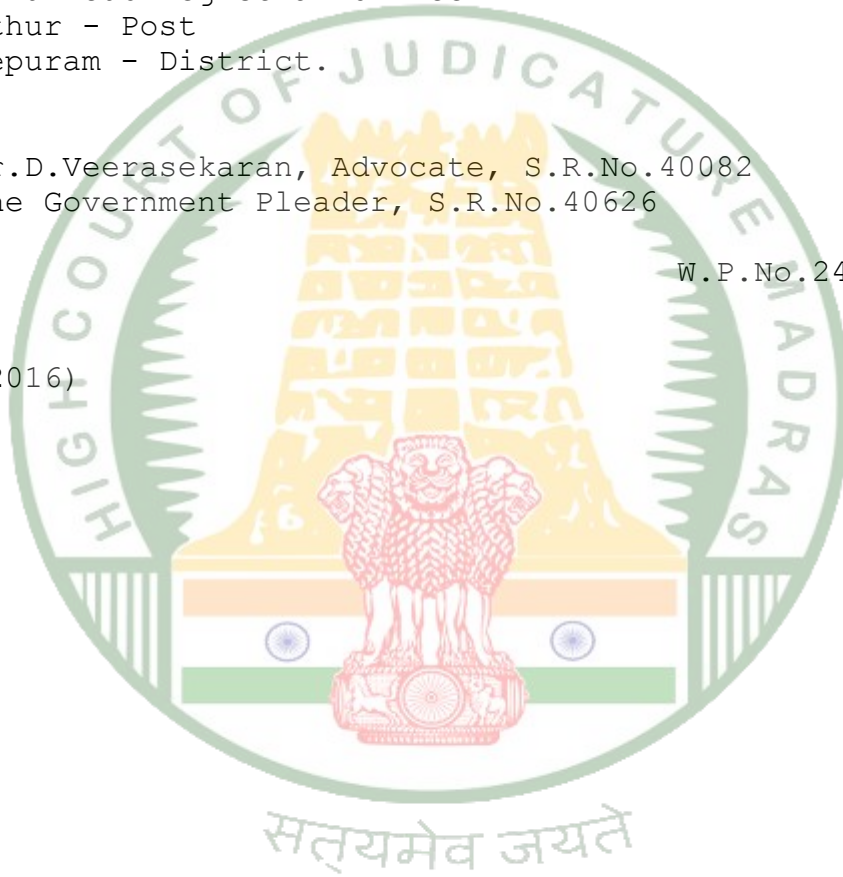
2. The Sub-Registrar
Kundrathur Sub Registrar Office
Kundrathur - Post
Kancheepuram - District.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.40082

+1cc to the Government Pleader, S.R.No.40626

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SKV(CO)
CA(21/07/2016)



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