

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.32840 of 2016
and
WMP.No.28385 of 2016

M.Shyamala Devi

.. Petitioner

- Vs -

1. The District Registrar (Administration),
In the Cadre of Deputy Inspector General,
Tiruppur.
 2. The Sub Registrar,
Office of the Sub Registrar,
Avinashi.
- Respondents

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent made in Na.Ka.No.3037/A1/2016 dated 18.07.2016, confirming the order of 2nd respondent dated 31.05.2016 and quash the same and consequently direct the 2nd respondent to register the settlement deed executed by the petitioner dated 23.05.2016 within the stipulated time.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking to quash the order of the first respondent made in Na.Ka.No.3037/A1/2016 dated 18.07.2016, confirming the order of 2nd respondent dated 31.05.2016 and consequently direct the 2nd respondent to register the settlement deed executed by her dated 23.05.2016 within a stipulated time.

2. It is stated by the petitioner that her husband executed an unregistered Will dated 20.01.2013 bequeathing certain properties in her favour. On the strength of the said unregistered Will, the petitioner has executed a settlement deed dated 23.05.2016 in favour of her daughter in respect of the property bearing S.No.300/2, Eaty Veerampalayam Village,

Avinashi Taluk, Tiruppur District. She also obtained Patta in her favour vide Patta Nos.3352, 3351 and 5829.

3. The petitioner has further stated that she was in possession of the original sale deed Nos.1990 of 2004 and 2824 of 2010 with regard to the said property but the same was misplaced and therefore she issued a paper publication dated 12.04.2016 in the News daily and she also lodged a complaint dated 09.05.2016 to the Inspector of Police, Uthukuli Police Station and after enquiry, the Inspector of Police issued a certificate that the said original documents are not traceable.

4. The petitioner further states that with regard to the said property, she executed a settlement deed dated 23.05.2016 in favour of her daughter and presented the same for registration on 31.05.2016. However, the second respondent refused to register the same on the ground that the petitioner has presented an unregistered Will in support of her title. The second respondent has further directed the petitioner to furnish the earlier sale deeds and individual chitta issued in favour of the petitioner. Aggrieved over the order of the second respondent dated 31.05.2016, the petitioner filed an appeal before the first respondent on 14.06.2016 and the first respondent passed the impugned order dated 18.07.2016 stating that Rule 69 of the Registration Rules will not be made applicable to the case of the petitioner and directed the second respondent to proceed in accordance with law. Challenging the same, the petitioner is before this Court with this writ petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. The learned counsel appearing for the petitioner would submit that though the petitioner prays for a larger relief, it will be suffice if the petitioner is permitted to submit a representation along with all relevant documents to the second respondent and the second respondent may be directed to consider and dispose of the same within a stipulated time frame.

7. This Court taking into consideration the limited scope of the prayer now sought for by the petitioner, without going into the merits of the case projected by the petitioner, permits the petitioner to submit a representation to the second respondent along with all relevant documents within a period of one week from the date of receipt of a copy of this

order. The second respondent on receipt of the same is directed to consider the same in accordance with law and pass orders within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

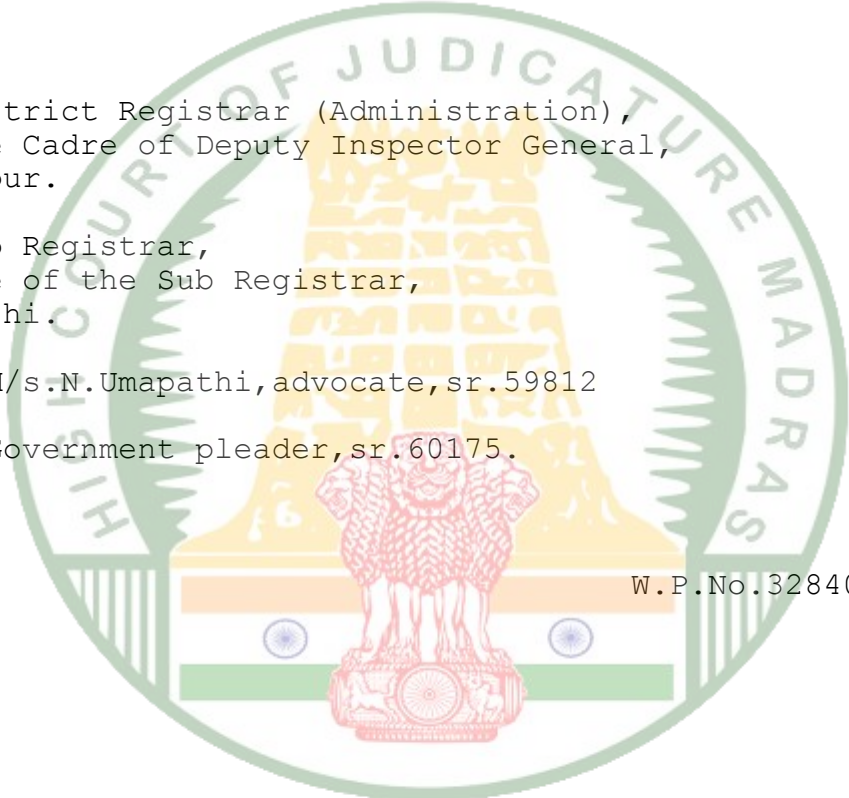
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In the Cadre of Deputy Inspector General,
Tiruppur.
2. The Sub Registrar,
Office of the Sub Registrar,
Avinashi.

+1 cc to M/s.N.Umapathi,advocate,sr.59812

+1 cc to Government pleader,sr.60175.

cp(co)
krd 15/11

W.P.No.32840 of 2016



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