

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8826 of 2016

B.Nambidasan

... Petitioner

vs.

1.The Inspector General of Registration,
Office of the Inspector General of
Registration,
Santhome High Road,
Chennai 600 004.

2.The Sub Registrar,
Thiruporur,
Kancheepuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to consider and dispose of the representation of the petitioner dated 01.03.2016 for registration of the settlement deed dated 24.02.2016 executed by the petitioner to and in favour of his brother B.Nambiselvan without insisting the original sale deed dated 17.09.2009 bearing Document No.3340 of 2009 registered in the Office of the Sub Registrar, Thiruporur, the second respondent herein in respect of the property namely vacant land bearing Plot No.89, Krishna Estate Dwaraka in No.35, Kanathur Reddy Kuppan Village, Chengalpattu Taluk, Kancheepuram District measuring an extent of 6177.5 sq.ft comprised in Survey Nos.82/4, 82/5A and 82/7.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents : Mr.S.Pattabiraman,
Govt. Advocate

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider and dispose of his representation dated 01.03.2016 seeking registration of the settlement deed dated 24.02.2016

executed by him to and in favour of his brother by name, B.Nambiselvan, without insisting the original sale deed dated 17.09.2009 bearing Doc.No.3340 of 2009 registered in the Office of the Sub Registrar, Thiruporur, pertaining to the property viz., vacant land bearing Plot No.89, Krishna Estate Dwaraka in No.35, Kanathur Reddy Kuppam Village, Chengalpattu Taluk, Kancheepuram District measuring an extent of 6177.5 sq.ft comprised in Survey Nos.82/4, 82/5A and 82/7.

2. The case of the petitioner is that marriage between him and one N.Sasikala was solemnized on 21.03.1996 and out of the wedlock, two children by names N.S.Karthikeyan and Jaaymi Dasan were born. The petitioner is working as Chief Marine Engineer in Great Ship, Mumbai. During the course of his employment, he purchased various properties jointly in his name as well as in the name of his wife. He also purchased a vacant land bearing Plot No.89, Krishna Estate Dwaraka in No.35, Kanathur Reddy Kuppam Village, Chengalpattu Taluk, Kancheepuram District measuring an extent of 6177.5 sq.ft comprised in Survey Nos.82/4, 82/5A and 82/7 by a sale deed dated 17.09.2009. While so, a matrimonial dispute arose between the petitioner and his wife, due to which, his wife left the matrimonial house and took all the jewels and valuable documents i.e., original sale deeds of the lands, which had been purchased by the petitioner. In this regard, the petitioner also lodged a complaint to the Inspector of Police, Adyar, Chennai. Prior to that, he had executed a power of attorney in favour of his wife N.Sasikala under General Power of Attorney deed dated 28.08.2009 registered as Doc.No.1400 of 2009 on the file of SRO, Adyar, which was subsequently cancelled, due to indifferent attitude of his wife, by a cancellation deed dated 24.02.2016 registered as Doc.No.53 of 2016 on the file of SRO, Adyar.

3. It is the further case of the petitioner that apprehending that his wife would sell the property, as she is having in possession of the original document, the petitioner executed a settlement deed dated 24.02.2016 in respect of his property to and in favour of his brother namely, B.Nambiselvan. When the same was presented for registration, the second respondent by a letter dated 29.02.2016 refused to register the same, as the petitioner has not produced the original sale deed dated 17.09.2009 bearing document No.3340/2009 in respect of the property in question. Hence, he made a representation dated 01.03.2016 to the respondents, requesting them to register the document, but the said representation was not considered so far. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Heard Mr.A.P.Sathyamurthy, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the representation of the petitioner dated 01.03.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rk/cla
To

- 1.The Inspector General of Registration,
Office of the Inspector General of
Registration,
Santhome High Road,
Chennai 600 004.
- 2.The Sub Registrar,
Thiruporur,
Kancheepuram District.

+1cc to Mr.A.P. Sathyamurthy, Advocate, S.R.No.14923

JSV(CO)
EU(09/03/2016)

W.P.No.8826 of 2016