



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.08.2016

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THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD)No.13083 of 2016

and

W.M.P(MD)No.9861 to 9863 of 2016

R.Amudha

..Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
32, K.M.S.K.Chettiar Complex,
Aranthangi Road, Pattukkottai,
Thanjavur District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Adirampattinam,
Thanjavur District.

3.Jeyachitra

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 15.3.2016 on the file of the Second Respondent and to quash the same as illegal and consequently, for a direction directing the Second Respondent to permit the Petitioner to register the property of the Petitioner in New S.No.303/19 B, measuring an extent of 0.03.20 Ares(3384 sq.ft) situated at Pillaimar Street @ Anna Street, Adirampattinam, Pattukkottai Taluk, Thanjavur District based on her application dated 15.3.2016.

For Petitioner : Mr.Pinay Gash
for M/s.T.Lajapathi Roy

For Respondents : Mr.S.Sadash Kumar
1 and 2 Addl.Govt.Pleader

ORDER

Heard the Learned Counsel for the Petitioner and the Learned
<https://hcservices.ecourts.gov.in/hcservices/>
Additional Government Pleader appearing on behalf of the
Respondents 1 and 2.



2.No counter is filed on behalf of the Respondents No.1 and 2.

3.Since no adverse order is passed against the Third Respondent and also this Court bearing-in-mind the fact of an avoidable delay, dispenses with the issuance of notice to the Third respondent.

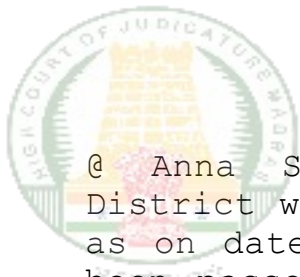
4.According to the Petitioner, she purchased the property in Old S.No.303/19 and New S.No.303/19B measuring and extent of 0.03.20 Ares(3384 sq.fts) situated at Pillaimar & Anna Street, Adirampattinam, Pattukkottai, Taluk, Thanjavur District and the same was registered. Subsequently, she had secured the patta for the same land as per proceedings of the Tahsildar, , Pudukkottai, dated 17.7.2016. She is paying all taxes for the said land without fail, till date.

5.Be that as it may, in the present case , the grievance of the Petitioner is that the impugned order, dated 15.3.2016 of the Second Respondent for issuing a Check Slip stating that the house property in S.No.303/19 at Ahirampattinam etc was given as security in O.S.No.63 of 2014 on the file of the District and Sessions Judge, Thanjavur and as such, the document was not to be taken injunction for the purpose of registration and the same is a illegal , unfair, unjust and arbitrary one and against the stay order passed by this Court, as such it is contended that the impugned order is liable to be set aside in the interest of justice by this Court.

6.The prime plea taken on behalf of the Petitioner is that the impugned order dated 15.3.2016 passed by the Second Respondent/The Sub-Registrar, Office of the sub-Registrar, Adirampattinam, Thanjavur District is without application of mind and also the same was opposed without considering the stay order passed by this Court in M.P.No.1 of 2015 in A.S.No.217 of 2015 against the judgement and decree passed by the District and Sessions Judge, Thanjavur in O.S.No.63 of 2014, dated 20.4.2015.

7.In this connection, the Learned Counsel for the Petitioner projects an argument that Section 52 of the Registration Act, 1908 specifies the duties of Registering Officers when the document presented and further, it is also represented on behalf of the Petitioner that the Petitioner has a legitimate expectation that her representation, dated 29.2.2016 shall be considered at the earliest point of time.

8.It is to be noted that the Petitioner, indeed, on 29.2.2016, ~~has filed a detailed representation to the Respondents 1 and 2 in the subject-matter in issue pertaining to the property bearing S.No.303/19 measuring an extent of 3338 sq.fts at Pillaimar Street~~



@ Anna Street, Adirampattinam, Pattukkottai Taluk, Thanjavur District within the Sub-Registration District of Adirampattinam, as on date. The said representation is pending and no orders has been passed by the Second Respondent. In the meanwhile, a Check-Slip was issued by the Second Respondent on 15.03.2016 stating that the property in question was given as security in O.S.No.63 of 2014, on the file of III Additional District Judge, Thanjavur District in O.S.No.63 of 2014.

9.Considering the fact that the Learned Counsel for the Petitioner fairly submits before this Court that this Court may pass an order directing the Second Respondent/The Sub-Registrar, Office of the Sub-Registrar, Adirampattinam, Thanjavur District to look into the representation of the Petitioner, dated 29.2.2016 in a proper and real perspective and such request made on behalf of the Petitioner, in the considered opinion of this Court appears to be genuine and a reasonable one. As such, this Court, at this stage, without going into the merits and contents of the representation of the Petitioner, dated 29.2.2016, directs the Second Respondent to look into the representation of the Petitioner, dated 29.2.2016 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Second Respondent is directed to dispose of the same in a free, fair, unbiased and dispassionate manner, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Second Respondent/The Sub-Registrar, Office of the Sub-Registrar, Adirampattinam, Thanjavur District, and the Second Respondent in-turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 29.2.2016. The Petitioner is directed to lend his assistance and co-operation in this regard, to the Second Respondent, in disposing of her representation, dated 29.02.2016, within the time specified by this Court.

10.With the aforesaid observations and directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



1.The District Registrar,
Office of the District Registrar,
32, K.M.S.K.Chettiar Complex,
Aranthangi Road,
Pattukkottai,
Thanjavur District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Adirampattinam,
Thanjavur District.

+1cc to Mr.T.LAJAPATHI ROY,Advocate Sr.No.41170

+1cc to Spl.Government Pleader Sr.No.41740

VSN

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