

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6026/2017

Miss.Lakshmi

..

Petitioner

Vs

1.The Sub Registrar,
Mettupalayam Taluk,
Coimbatore District, Coimbatore

2.The District Register,
Coimbatore.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order/check memo No.3 of 2017 dated 23.01.2017, issued by the first respondent and quash the same and directing the first respondent to register the document namely the Deed of Settlement dated 22.02.2017, presented for registration in respect of petitioner property in Survey Ka.Sa.74, Sub division No.74/2, total extend is 6.27 Acres in Sikrapalayam Village, Mettupalaym taluk, Mettupalayam Sub Register, Coimbatore district executed by the petitioner R.Raman in favour of her daughter S.Sundry and return the document to the petitioner after completing all the formalities of the registration .

For Petitioner : Mr.S.Ramajayam

For R1 & R2 : Mr.A.N.Thambidurai, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner who is the owner of the property admeasuring an extent of 3 acres in Patta No.800 in Survey No.74/1 at Sikrapalayam Village, Mettupalayam Taluk, Coimbatore District, along with other appurtenants, had settled the same in favour of his son namely R.Rangaraj, through a Gift Settlement Deed dated 22.02.2017 and when it

was presented for registration before the 1st respondent, a clarification was sought for regard to the registered Sale Agreement dated 26.11.2012 in respect of the very same property, in the form of Check Memo dated 23.01.2017 and challenging the legality of the same, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that though there was a registered Sale Agreement dated 26.11.2012, the intended purchasers did not evince interest in purchasing the property and therefore, due to lapse of time, the agreement became invalid and as such, there cannot be any impediment on the part of the 1st respondent to register the Gift Settlement Deed dated 22.02.2017 and prays for appropriate orders.

4 Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that under the impugned Check Memo, the 1st respondent has merely sought for a clarification as to the earlier registered Agreement of Sale dated 26.11.2012 and it is open to the petitioner to respond to the same and thereafter, appropriate steps will be taken by the 1st respondent for registering the above said Gift Settlement Deed.

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

6 Though the petitioner has prayed for a larger relief, this court, in the light of the above facts and circumstances and without going into merits of the claim projected by the petitioner, permits the petitioner to respond to the impugned Check Memo dated 23.01.2017 in the form of reply/representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, upon receipt of the same, is directed to consider the same on merits and in accordance with law and pass appropriate orders within a further period of three weeks and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

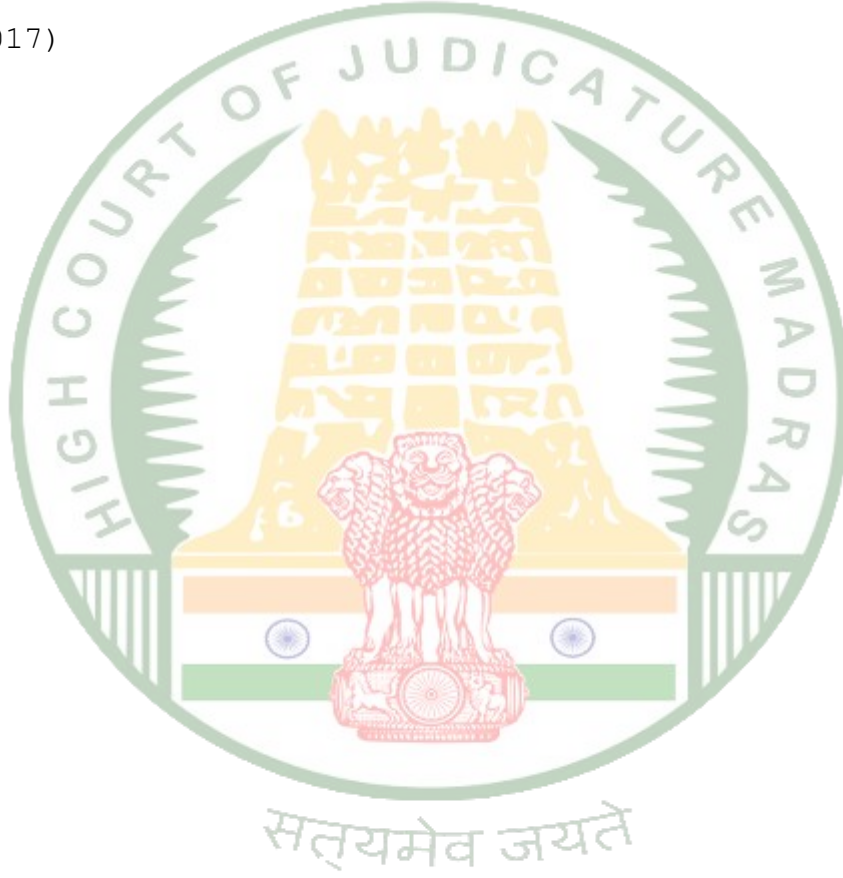
1.The Sub Registrar,
Mettupalayam Taluk, Coimbatore District, Coimbatore

2.The District Register,
Coimbatore.

+1cc to Mr.S.Ramajayam,Advocate sr.16052

W.P.No.6026/2017

rk(co)
ss(23/3/2017)



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