

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6148/2017

R.Raman .. Petitioner

Vs

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

2.The District Registrar
Coimbatore. .. 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.2/2017 dated 23.01.2017, issued by the 1st respondent and quash the same and directing the 1st 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.74/1, total extent is 3 acres in Sikrapalayam Village, Mettupalayam Taluk, Mettupalayam Sub Register, Coimbatore District executed by the petitioner R.Raman in favour of his son R.Rangaraj and return the document to the petitioner after completing all the formalities of registration.

For Petitioner : Mr.S.Ramajayam

For RR 1 & 2 : Mr.R.S.Selvam, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.S.Selvam, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner claims to have purchased the property admeasuring to an extent of 3 acres in Ka.Sa.74, Sub Division 74/1, Sikrapalayam Village, Mettupalayam Taluk, Coimbatore District and thereafter, entered into an Agreement of Sale with one Ms.Geetha on 26.11.2012 [Registered Document No.10604/2012] and she did not fulfill the temrs of the agreement and that, also failed to file a suit for specific performance. The petitioner had settled the property in favour of his son, viz., R.Rangaraj, vide Document dated 22.02.2017 and when it was presented for registration before the 1st respondent, it was returned informing that the registered Agreement dated 26.11.2012 is subsisting and therefore, called upon the petitioner to furnish the relevant information as to the said agreement 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 there was an earlier registered Sale Agreement dated 26.11.2012 and the party to the said agreement, viz., Ms.Geetha, did not perform her part of obligation and in the light of passage of time, it has become redundant and thereafter, the petitioner has executed Settlement Deed in favour of his son and fulfilled all the statutory requirement and as such, there cannot be any impediment on the part of the 1st respondent to register the said Settlement Deed and prays for appropriate orders.

4 Per contra, Mr.R.S.Selvam, learned Government Advocate appearing for the respondents would contend that in the impugned Check Memo, a mere clarification is sought for and it is always open to the petitioner to respond to the same in the form of representation and as and when it is received, it will be considered and given disposal in accordance with law.

5 This 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

M.SATHYANARAYANAN, J.,

AP

going into the 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 representation within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the 1st respondent is directed to consider the same on merits and in accordance with law and pass appropriate orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

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

14.03.2017

Speaking Order

Index : No

Internet : Yes

AP

To

1.The Sub Registrar

Mettupalayam Taluk

Coimbatore District,

Coimbatore.

2.The District Registrar

Coimbatore.

W.P.No.6148/2017

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