

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4791 of 2017

S.M.H.Sheik Mohamed

... Petitioner

vs.

1. The Sub Registrar,
Anna Nagar,
Chennai 600 040.
 2. The Sub-Registrar,
No.124, Arcot Road,
Virugambakkam,
Chennai 600 092.
 3. The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome,
Chennai 600 028.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 2nd respondent to register the compromise decree dated 15.09.2010 in O.S.No.137 of 2010 on the file of the Sub-Judge, Poonamallee pertaining to the lands in all measuring 1 acres 53 cents comprised in Survey No.91 situated at Nerkundram Village.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.S.Rajeswaran,
Additional Government Pleader

O R D E R

The petitioner has filed this Writ Petition seeking a direction to the 2nd respondent to register the compromise decree dated 15.09.2010 in O.S.No.137 of 2010 on the file of the Sub-Judge, Poonamallee pertaining to the lands, in all measuring an extent of 1 acres 53 cents comprised in Survey No.91 situated

at Nerkundram Village.

2. According to the petitioner, he is in possession and enjoyment of the lands in question by way of a sale deed dated 25.08.1958. There were certain civil disputes between the petitioner and the vendors of the property in question. Subsequently, a compromise had been arrived and a Memo of Compromise had been reduced into writing and on the basis of the said Compromise Memo, the learned Sub Judge had passed decree and judgment on 15.09.2010.

3. The grievance of the petitioner is that when he approached the 1st respondent for registration of the compromise decree, he was informed that registration is possible only within four months from the date of the decree. Having no other alternative, the petitioner filed a Writ Petition in W.P.No.9355 of 2015 seeking a direction to the 1st respondent/Sub-Registrar, Anna Nagar, Chennai to register the Compromise Decree dated 15.09.2010 in O.S.No.137 of 2010 on the file of the Sub-Court, Poonamallee pertaining to the subject lands, and this Court by an order dated 31.03.2015, disposed of the said Writ Petition with a direction to the 1st respondent therein to take into consideration the petitioner's request and process the same in accordance with law within a period of eight weeks from the date of receipt of a copy of the order.

4. The 1st respondent, on receipt of the said order of this Court, informed the petitioner that the entire encumbrance pertaining to the subject lands is maintained only at the office of the Sub-Registrar, Virugambakkam. Hence, the petitioner is once again before this Court by way of the present Writ Petition, by impleading the Sub-Registrar, Virugambakkam, as 2nd respondent in this petition.

5. Learned counsel for the petitioner pleaded that the petitioner's grievance would be redressed if the 2nd respondent is directed to consider the case of the petitioner within a stipulated period.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Considering the facts and circumstances of the case, this Court directs the petitioner to make a fresh representation to the 2nd respondent in respect of his grievance within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent shall consider the petitioner's case based on his representation, on merits and in accordance with law, and pass appropriate orders within a period of three months thereafter.

This Writ Petition is disposed of with the above direction.
No costs. Consequently, connected W.M.P.No.5027 of 2017 is closed.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

aeb

To:

1. The Sub Registrar,
Anna Nagar, Chennai 600 040.
2. The Sub-Registrar,
No.124, Arcot Road,
Virugambakkam,
Chennai 600 092.
3. The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome,
Chennai 600 028.

+1cc to Government Pleader SR.No.13034

+1cc to Mr.D.Ashok Kumar, Advocate SR.No.12321

W.P.No.4791 of 2017

NR II (CO)
GN(07/03/2017)

सत्यमेव जयते

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