

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.14083 of 2016

K.Parveen @ Parveen Begum

.. Petitioner

Vs

The Sub Registrar,
Pammal,
Chennai-75.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to release the original settlement deed dated 29.05.2014 registered as Document No.P201500163 presented by the petitioner in respect of the property in Gramanatham S.No.233/1-1916 sq.ft in old door No.45, new door No.62/B, Kanniyamman Koil Street, Anakaputhur village, Alandur taluk, Kanchipuram District.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.S.Pattabiraman, GA

O R D E R

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondent to release the original settlement deed dated 29.05.2014, registered as document No.P 201500163, presented by the petitioner, in respect of the property in Gramanatham S.No.233/1 measuring to an extent of 1916 Sq.ft in Old door No.45, New door No.62/B, Kanniyamman Koil Street, Anakaputhur Village, Alandur Taluk, Kanchipuram District.

2. The Petitioner presented the Settlement deed dated 29.05.2014 for registration before the respondent. However, the respondent refused to register the same, stating that the land is a Gramanatham land. Subsequently, the petitioner filed a Writ Petition in WP No.16521 of 2014 before this Court and this Court, by order dated 01.09.2015, directed the respondent to

register the settlement deed, subject to the payment of requisite stamp duty. Thereafter, the petitioner presented the document for registration on 07.10.2015. Thereafter also, the respondent refused to register the document, stating that the document was not presented within four months from the date of execution and that there is a delay of 376 days in presenting the document for registration.

3. In Paragraph 3 of the Counter filed by the respondent, the respondent himself has admitted that the document was presented for registration before him on 29.05.2014 itself. When the document was presented for registration, on the date of execution of the document itself, the non registration of the document arose only because of the refusal of the respondent in registering the document. Only after the orders of this Court dated 01.09.2015 in WP No.16521 of 2014, the Petitioner presented the document again for registration on 07.10.2015. Therefore, when the document was originally presented for registration on 29.05.2014, the averments stated in the counter that there was a delay of 376 days in presenting the document for registration cannot be accepted and the same is rejected.

4. The respondent should have obeyed the orders of this Court made in WP No.16521 of 2014 and registered the document after receiving the requisite stamp duty.

5. In these circumstances, I direct the respondent to register the Settlement Deed dated 29.05.2014 and release the same to the petitioner, without insisting of payment of any penalty, within one week from the date of receipt of a copy of this order.

6. With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsm/rka

To

The Sub Registrar,
Pammal,
Chennai-75.

+1cc to Mr.Suresh, Advocate, S.R.No.22230

+1cc to the Government Pleader, S.R.No.22190

W.P.No.14083 of 2016

vsn (CO)
rmp (13/04/017)



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