

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.3652 of 2017

V.Menka

... Petitioner

vs.

1. The Sub Registrar,
Sulur Sub-Registrar Office,
Coimbatore District.
2. The Tahsildar,
Sulur,
Coimbatore District.
3. R.Arunachalam ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st respondent to consider the petitioner's representation dated 14.12.2016 and the 3rd respondent's No Objection Letter dated 14.12.2016 and subsequently allot regular number to the sale deed dated 01.06.2016 presented before the 1st respondent pertaining to the Survey No.22/1B to an extent of 25 cents at Kangeyampalayam Village, Sulur Taluk, Coimbatore District and release original registered document of the same to the petitioner.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents 1 & 2 : Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to consider her representation dated 14.12.2016 and the 3rd respondent's No Objection Letter dated 14.12.2016 and subsequently allot regular number to the sale deed dated 01.06.2016 presented before the 1st respondent pertaining to the Survey No.22/1B to an extent of 25 cents at Kangeyampalayam Village, Sulur Taluk, Coimbatore District and release original registered document of the same to her.

2. According to the petitioner, she purchased 25 cents of land in Survey No.22/1B on 01.06.2016 from the legal heirs of one Palanaathal and the Sale Deed was submitted before the 1st respondent for registration on the same day. The stamp duty, registration fees and all other charges were paid and the 1st respondent accepted the said sale deed for registration. But, the 1st respondent did not allot regular number and kept the same as a pending document, since the 3rd respondent has given a protest petition dated 10.05.2016 seeking not to register any encumbrance in the aforesaid property.

3. Thereafter, the dispute raised by the 3rd respondent was amicably settled and a Memo of Understanding was arrived at between the petitioner and the 3rd respondent on 14.12.2016. Based on that, the 3rd respondent gave a No Objection Letter to the 1st respondent stating that he has no objection to register the aforesaid sale deed and for the release of the original document to the petitioner and he also withdrew the protest petition dated 10.05.2016. Hence, in view of the aforesaid developments, the petitioner made a representation dated 14.12.2016 to the 1st respondent to consider her grievance. Since no reply is forthcoming from the 1st respondent, the petitioner is before this Court.

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

5. It is seen that only on the objection made by the 3rd respondent by way of a protest petition, the petitioner's document was not registered. Now that the 3rd respondent has settled the matter amicably and has also given a No Objection letter to the 1st respondent, after withdrawing the protest petition dated 10.05.2016, this Court is of the view that there is no bar for the 1st respondent to consider the petitioner's representation. Accordingly, this Court directs the 1st respondent herein to consider the petitioner's representation dated 14.12.2016 based on the 'No Objection Letter' given by the 3rd respondent, on merits and in accordance with law and pass appropriate orders, after giving notice to the parties concerned, as expeditiously as possible.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

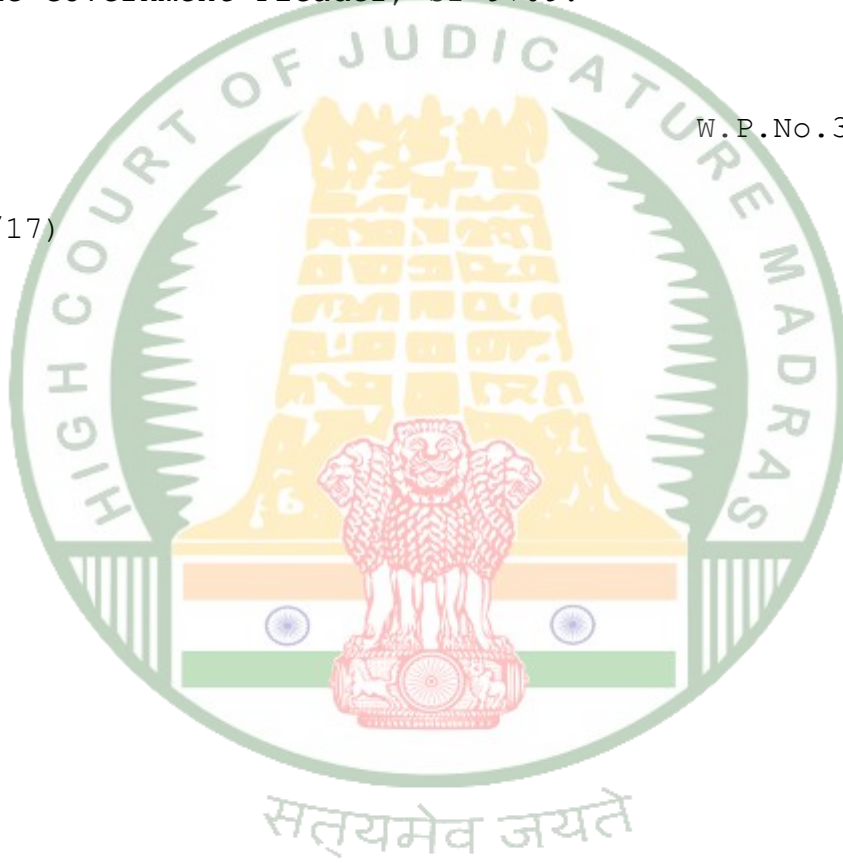
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To:

1. The Sub Registrar,
Sulur Sub-Registrar Office,
Coimbatore District.
 2. The Tahsildar,
Sulur,
Coimbatore District.
- +lcc to K.T.S. Sivakumar, Advocate, sr 9486
+lcc to The Government Pleader, sr 9709.

W.P.No.3652 of 2017

ALA (CO)
RMP (02/03/17)



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