

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.394 of 2017

Aditya Agarwal

... Petitioner

vs.

1. The District Registrar -
Chennai Central/Appellate Authority,
182, Bharathi Salai,
Royapettah,
Chennai, Tamil Nadu - 600 014.
2. The Sub-Registrar,
Office of the Sub-Registrar,
Triplicane,
182, Bharathi Salai,
Royapettah,
Chennai, Tamil Nadu - 600 014. 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 expeditiously dispose of the appeal dated 13.07.2016 filed by the petitioner, amongst others, against the 2nd respondent's order dated 16.06.2016 in Check Slip No.01/2016.

For Petitioner : Mr.K.F.Manavalan

For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to expeditiously dispose of the appeal dated 13.07.2016 filed by him.

2. According to the petitioner, amongst others, he is the owner of the proportionate share of undivided share of land admeasuring 4 Grounds 2,227 sq. ft. comprised in R.S.No.375/25 and 375/124 and 5 Grounds and 216 sq. ft. comprised in

R.S.Nos.375/125 and 375/136, Triplicane Village in Mylapore-Triplicane Taluk within the Sub-Registration District of Triplicane and the Registration District of Chennai-Central, along with a portion of the built-up space thereon. In respect of the portions of the Petition Schedule Property owned by the petitioner and his family members, a Partition Deed dated 20.10.2014 was presented for registration. But, the said Partition Deed was neither registered nor returned to the petitioner and his family members.

3. Pursuant thereto, the petitioner and his family members sent a letter dated 20.04.2016 to the 2nd respondent requesting return of the said document, as the Partition Deed had neither been registered nor returned. In spite of the said letter, the Partition Deed was not returned to the petitioner. Thereafter, as an inadvertent factual error was found in the Partition Deed, a Rectification Deed dated 16.06.2016 was presented for registration by the petitioner, his family members and the Trust. However, the said Rectification Deed was also not registered by the 2nd respondent and an order dated 16.06.2016 was passed refusing to register the said Rectification Deed purportedly on the ground that the earlier Partition Deed had not been registered.

4. Hence, the petitioner, his family members and the Trust filed an appeal dated 13.07.2016 before the 1st respondent under Section 72 of the Registration Act, 1908, challenging the order dated 16.06.2016 passed by the 2nd respondent. Since no orders are forthcoming from the 1st respondent, the petitioner and his family members caused a representation dated 16.09.2016 to the 1st respondent requesting expeditious disposal of the appeal. As no orders are passed till date, the petitioner is before this Court.

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

6. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the 1st respondent to consider the petitioner's appeal dated 13.07.2016 on merits and in accordance with law, after giving an opportunity of hearing to the parties and dispose of the same within a period of six months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The District Registrar -
Chennai Central/Appellate Authority,
182, Bharathi Salai,
Royapettah,
Chennai, Tamil Nadu - 600 014.
2. The Sub-Registrar,
Office of the Sub-Registrar,
Triplicane, 182, Bharathi Salai,
Royapettah,
Chennai, Tamil Nadu - 600 014.

+1cc to Mr.K.F. Mannavalan, Advocate, S.R.No.1767
+1cc to the Government Pleader, S.R.No.2061

EV(CO)
md(07/02/2017)

W.P.No.394 of 2017

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