

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13937 of 2018

R.Suganya

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Petitioner

-VS-

1.The Inspector General of Registration
Santhome High Road,
Mylapore, Chennai-600 004.

2.The Sub Registrar,
Avadi Sub Registrar Office,
Avadi, Chennai.

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Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to register the declaration affidavit and return it to the petitioner in respect of the petitioner's property situated at No.20, Thiruninravoor Madura Kuppam Village, comprised in S.No.158 & New S.No.101/3 bearing Plot No.9, measuring an extent of 2157 sq.ft.

For petitioner

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Mr.S.Thiruvengadam

For Respondents

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Mr.T.M.Pappiah,
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the second respondent to register the declaration affidavit and to return the same

in respect of her property situated at No.20, Thiruninravoor Madura Kuppam Village, comprised in S.No.158 & New S.No.101/3 bearing Plot No.9, measuring to an extent of 2157 sq.ft.

2.The petitioner claims to be the absolute owner of the property covered in S. No.158 and New S. No.101/3 bearing Plot No.9, measuring to an extent of 2157 sq.ft. situated at No.20, Thiruninravoor Madura Kuppam Village, Avadi.

3.Learned counsel appearing for the petitioner would submit that the petitioner, after purchasing the said plot from one Mr.Ponnusamy through her Power of attorney agent Mrs.Indrani by a Deed of Sale dated 09.02.2004 registered as Doc. No.639/2004 on the file of the Sub Registrar Office, Avadi, has noticed that the boundaries were wrongly mentioned in the sale deed, at the time of applying for Patta. Learned counsel would further submit that since the whereabouts of the petitioner's vendor could not be traced, she filed a Declaration Affidavit stating the correct boundaries and measurements of the said plot and requested the second respondent to register the said declaration affidavit and return the document. But till date no action has been taken by the respondents.

4.Learned Special Government Pleader appearing for the respondents would submit that once the petitioner has registered her sale deed on 09.02.2004 giving the boundaries, after registration of the same, she came to know that the boundaries given in the sale deed are not correct and therefore, she could have filed appropriate rectification deed. But the petitioner has filed only a declaration affidavit so belatedly and in any event, it could be looked into on merits.

5.According to the petitioner, since the whereabouts of the vendor could not be traceable, she has given the declaration affidavit. If the particulars mentioned in the said affidavit tally with the application seeking approval of C.M.D.A., the second respondent can consider the same within a period of four weeks.

6.Accordingly, this writ petition is disposed of. No costs.

Speaking/Non speaking order

11.06.2018

Index : yes/no
vga

Note: Issue order copy on 13.06.2018

T.RAJA, J.

vga

To

1.The Inspector General of Registration
Santhome High Road,
Mylapore, Chennai-600 004.

2.The Sub Registrar,
Avadi Sub Registrar Office,
Avadi, Chennai.

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