

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28133 of 2018

Suresh Bafna

... Petitioner

..Vs..

1. Sub Registrar
Registration Department,
Neelankarai,
Chennai - 600 091.
2. District Registrar,
Chennai-South, Registration Department,
Zones Road,
Saidapet, Chennai- 600 015.
3. Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.
4. R.Krishnaji Reddy
5. G.Kalpana

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to registered deed of settlement dated 04.04.2012, Doc.No.2402 of 2012, SRO- Neelankarai, executed by the fourth respondent in favour of the fifth respondent in respect of property measuring 4794 sq.ft. in Old S.No.74/1, New S.No.74/18, Door No.2/560, Plot No.38, Sundeeep Road, East 1st Cross Street, Chinna Neelangarai Village, presently Sholinganallur Taluk, Kancheepuram District, Chennai - 600 115 and to quash the same.

For Petitioner : Mr.M.V.Seshachari

For Respondents: Mr.T.M.Pappiah (R1 to R3)
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order of the first respondent pertaining to registered deed of settlement dated 04.04.2012 in Doc.No.2402 of 2012 registered at SRO-Neelankarai, executed by the fourth respondent in favour of the fifth respondent in respect of property measuring 4794 sq.ft. in Old S.No.74/1, New S.N.74/18, Door No.2/560, Plot No.38, Sundeeep Road, East 1st Cross Street, Chinna Neelangarai Village, presently Sholinganallur Taluk, Kancheepuram District, Chennai- 600 115, and to quash the same.

2. The petitioner states that the aforesaid property originally belonged to the fourth respondent. He borrowed sum of Rs.7,00,000/- (Rupees Seven Lakhs only) from the petitioner on 01.04.1998 and 08.06.1998 and executed four demand promissory notes in his favour, agreeing to repay the said sum of Rs.7,00,000/- (Rupees Seven Lakhs only) with interest 2.5% per month. The wife of the fourth respondent viz., the fifth respondent has also signed in all the promissory notes and given a letter of guarantee on 10.06.1998. As on 07.08.2000, the amount due to be payable by them was Rs.10,00,000/- (Rupees Ten Lakhs only) with interest. Subsequently, the fourth respondent sold the property through his Power of Attorney agent for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) on 07.08.2000 to the petitioner. The said property was vacant at the time of conveyance of the same in favour of the petitioner. The original documents were also handed over by the fourth respondent to the petitioner. It is further stated that the patta was also issued in favour of the petitioner and the property tax was also assessed in the name of the petitioner. Hence, the balance of loan payable by the fourth respondent was due and the same was acknowledged by him on 08.08.2000, 31.03.2003 and 31.03.2004. Therefore, the suit was filed before this Court for recovery of money and the suit was decreed exparte. The application for set aside the exparte is said to be pending. While so, the fourth respondent registered another settlement deed dated 04.04.2012 in favour of the fifth respondent. Now, the settlement deed dated 04.04.2012 executed by the fourth respondent in the name of the fifth respondent is sought to be set aside. A complaint was also given to all the respondents on 21.11.2016. The second respondent has sent a communication on 02.01.2018 in proceedings No.19726/83/2016 to the first respondent to take action under Section 83 of the Indian Registration Act and communicate the result to the second respondent as well as to the petitioner. Since, no action has been taken by the first respondent till date, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 seeks time to conduct enquiry under Section 83 of the Registration Act as per the letter dated 02.01.2018.

4. Though the prayer sought for in this Writ Petition is for a larger relief, the learned counsel appearing on either side would submit that it would suffice if a direction is given to the first respondent to conduct enquiry under Section 83 of the Registration Act, as expeditiously as possible.

5. In view of the same, the first respondent is directed to conduct enquiry under Section 83 of the Registration Act, as expeditiously as possible, and intimate the result of the same to the petitioner as well as to the second respondent.

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

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. Sub Registrar
Registration Department,
Neelankarai,
Chennai - 600 091.
2. District Registrar,
Chennai-South, Registration Department,
Zones Road,
Saidapet, Chennai- 600 015.
3. Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 028.

+1 CC to Mr.M.V.Seshachari, advocate sr 83044.
+1 CC to Govt. Pleader sr 83616.

W.P.No.28133 of 2018

RK(CO)
SP(31/12/2018)