

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 21.12.2018****CORAM****THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA****W.P.No.34086 of 2018**

Jaiganesh

.. Petitioner

Vs.'

The Sub Registrar,
Mylapore,
Chennai -4

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to receive and register the certified copy of the decree in O.S.No.304 of 2014 dated 05.04.2018 on the file of the the VIIIth Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.N.Sursh

For Respondent : Mr.T.M.Pappiah

Special Government Pleader

ORDER

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a

direction to the second respondent to receive and register the certified copy of the decree in O.S.No.304 of 2014 dated 05.04.2018 on the file of the the VIII Assistant Judge, City Civil Court, Chennai.

3. It is stated in the affidavit filed in support of the petition that the petitioner along with others filed a suit against one N.S.Suresh and others in O.S.No.304 of 2014 on the file of the VIII Assistant Judge, City Civil Court, Chennai in respect of the properties in S.No.1832/2 situated at Mylapore, Chennai seeking for the relief of declaration and permanent injunction declaring that the partition cum Release Deed dated 25.11.2011 bearing document No.2877 of 2011 is illegal and null and void. The suit was decreed on 05.04.2018 and the decree has become final. There is no appeal filed against the said order. The registration of the decree of Court is optionally registrable document. At present, the Government of Tamil Nadu has implemented the system of registration of documents through on-line. Hence, the petitioner has applied for registration of the decree through on-line and the petitioner was given with Temporary Document NoTP/51649042/2018 and the date of appointment for registration of document was given as 14.12.2018. But, the respondent has simply returned the same without passing any orders either registering or refusing to register. The respondent, having given the date for

appointment for registration of the decree, has failed to carry out the statutory mandate as provided in the Registration Act. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

4. Heard Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the petitioner to re-present the documents to the respondent, who in turn, shall consider the documents once again and register the same forthwith, if the papers are otherwise in order. It is open to the respondent to hear the petitioner and the persons claiming interest in the property and also afford them an opportunity of personal hearing to satisfy himself about the correctness of the facts pleaded by the petitioner.

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PUSHPA SATHYANARAYANA.J

6. With the above directions, this writ petition stands disposed of. No costs.

21.12.2018

Index : Yes / No
Internet : Yes / No

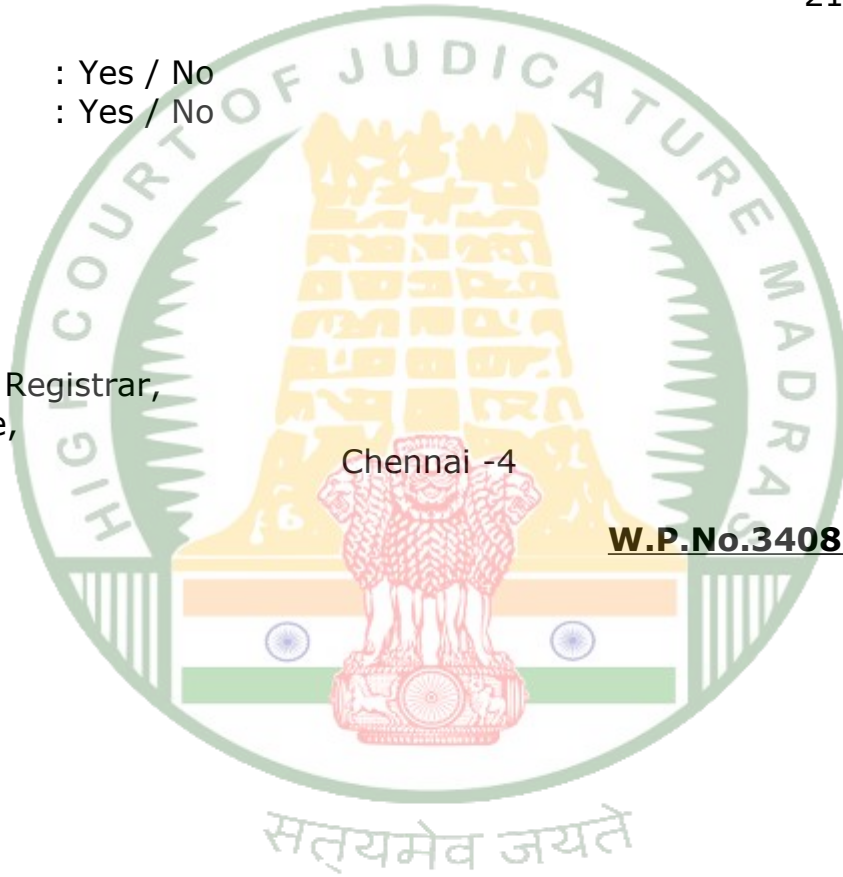
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To

The Sub Registrar,
Mylapore,

Chennai -4

W.P.No.34086 of 2018



WEB COPY 21.12.2018