

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.26811 of 2016

Sarala

.. Petitioner

Vs.

1. The District Registrar (Admin),
AIGR - Additional Charge,
Chennai - North,
Chennai - 600 001.

2. The Sub Registrar,
Madhavaram,
Chennai.

3. Mr.Ganesan ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent relating to the Impugned order dated 11.07.2016 bearing ref: Letter No.6874/AA1/2016 and Quash the same and consequently direct the respondent to consider the appeal filed by the petitioner on 18.06.2016 on merits.

For Petitioner : Mr.S.Kishore Kumar
for M/s. Sai Bharath & Ilan

For Respondents 1 & 2 : Mr.T.M.Pappiah
Special Government Pleader

For Respondent-3 : Mr.J.Ramakrishnan

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O R D E R

The prayer sought for in this Writ Petition is for issuance of Writ of Certiorari Mandamus calling for the records on the file of the first respondent relating to the impugned order dated 11.07.2016 bearing ref: Letter No.6874/AA1/2016 and quash the same and consequently direct the first respondent to consider the appeal filed by the petitioner on 18.06.2016 on

merits.

2. According to the petitioner, he has a share in the petition mentioned properties. He presented a Settlement Deed on 28.12.2015 for registration. The same was returned by the second respondent by issuing a check slip. Therefore, the petitioner has filed a Writ Petition in W.P.No.1988 of 2016 and this Court, vide order dated 05.02.2016, directed the second respondent to conduct an enquiry and pass final orders. Accordingly, the second respondent passed a detailed order on 22.04.2016 in Na.Ka.No.23 of 2016 stating that the nature of the property is not mentioned and the Will mentioned therein had not been proved in accordance with law and there is no evidence to show that it

was the joint family property. Hence, the Sub Registrar had asked for production of documents, evidencing the title. The said order was challenged before the first respondent, which is now assailed by the petitioner on the ground that the District Registrar had not considered the above appeal filed under Section 72 of the Registration Act on merits and passed a detailed order. Therefore, the Writ Petition has been filed.

3. Admittedly, the District Registrar had not passed orders on merits and the objections of the petitioner were not considered.

4. 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, sets aside the impugned order and directs the first respondent to consider the petitioner's Appeal, dated 18.06.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, third respondent and the persons interested in this regard and affording an opportunity of personal hearing to the concerned parties and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Registrar (Admin),
AIGR - Additional Charge,
Chennai - North,
Chennai - 600 001.

2. The Sub Registrar,
Madhavaram, Chennai.

+lcc to Mr.Sai & Bharath Advocate, S.R.No. 11939

+lcc to the Government Pleader, S.R.No. 12859

W.P.No.26811 of 2016

RK(CO)
GN(13/03/2019)



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