

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6608 of 2016

Daisy Arokiamary

... Petitioner

Vs.

The Sub Registrar,
Padappai Registrar Office,
Padappai, Chennai,
Kancheepuram District

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to receive and register the Release Deed dated 08.02.2016 in favour of petitioner's daughter on its presentation.

For Petitioner : Mr.S.Arockia Maniraj

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The petitioner has filed this Writ Petition seeking for a mandamus directing the respondent to receive and register the Release Deed dated 08.02.2016 in favour of her daughter.

2. It is the case of the petitioner that her husband, viz., I.Ignatius Sahayaraj had purchased the property on 05.03.1987, measuring an extent of 1320 sq.ft. comprised in Survey No.365/A, Plot No.14 situated at No.12/14, N.G.O.Colony, 1st Street, New Perungulathur, Chennai-63 from one Shivamoorthy by way of a registered Sale Deed, vide document No.971/1987 on the file of the Sub Registrar Office, Tambaram and he was in continuous possession and enjoyment of the property till his life time by constructing a house. Subsequently, he died on 04.10.2012, leaving behind the petitioner and her daughter, viz., Maria Silveya as legal heirs to succeed the property. While so, the petitioner has decided to executed a Release Deed in favour of her daughter and presented the same before the respondent on

08.02.2016. To her shock and surprise, the petitioner was informed that land in Survey No.365/A is a Government land and she was directed to get the Certificate from the Tahsildar. According to the petitioner, the respondent has bounden duty to maintain all the records for registration of documents. After completing all the formalities, she presented the Release Deed for registration before the respondent and the same was refused for no fault of her.

3. Heard both sides.

4. The objection raised by the respondent is that as per the records, the property sought to be released is shown as common Poromboke.

5. A perusal of the proceedings of the Board of Revenue shows that when assignment of plots were given to the staff of the Secretariat, one C.Sivamurthi Chettiar, who was a Chopdhar, was allotted the property in question in the year 1970. Later, the said Sivamurthi Chettiar had sold the same for valid consideration in the year 1987 to the said I.Ignatius Sahayaraj, who is the husband of the petitioner. This Court, without expressing any opinion on the merits of the case, directs the respondent to consider the above said documents in detail and register the same within a period of four weeks from the date of receipt of a copy of this order, 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.

6. With the above direction, the Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

srn

To

The Sub Registrar,
Padappai Registrar Office,
Padappai, Chennai,
Kancheepuram District.

+lcc to the Government Pleader sr.22090

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srg 11/04/2019



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