

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9794 of 2020

J.Kalaiselvi,
D/o.late M.Jagannathan.

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Virugambakkam,
Virugambakkam.

3. M/s.Viny Builders,
A registered Partnership Firm,
Rep. by its Partners
1.S.A.Vijayakumar
2.S.Nithyavalli
Having Office at
F1, Plot No.3, Ganapathy Nagar,
Arcot Road, Porur,
(Opp) ARS Garden,
Chennai 600 116.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 and 2 to register the Deed of Settlement dated 26.3.2019 in Ref.T.P./59002243/2019 or to pay a sum of Rs.25,000/- towards payment of stamp duty charges and Rs.4100/- towards Registration charges together with interest at the rate of 18% p.a., and Rs.10,000/- being the cost of this writ petition.

For Petitioner : Mr.G.Mohanarangan.

For Respondents: Mr.T.M.Pappiah, for RR1 and 2
Special Government Pleader.

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing respondents 1 and 2 to register the settlement deed that was submitted for registration.

2.The case of the petitioner is that the subject property originally belonged to the father of the petitioner and he died intestate on 04.01.2001 leaving behind his wife and children. The further case of the petitioner is that her family members entered into a partition and a partition deed was executed in the year 2006 and it was also registered. According to the petitioner, she was allotted 1/4th share in the property.

3.The petitioner thereafter wanted to enter into a joint development agreement with the 3rd respondent, which is governed by terms and conditions. According to the petitioner, the 3rd respondent did not comply with the terms and conditions and therefore the petitioner had cancelled the general power of attorney executed in favour of the 3rd respondent.

4.Thereafter, there were some compromise between the parties and the petitioner and the 3rd respondent again entered into an agreement. It also ended in failure and the petitioner also cancelled the power of attorney executed in favour of the 3rd respondent on 14.05.2014.

5.The 3rd respondent thereafter initiated a suit against the petitioner in O.S.No.414 of 2014 seeking for various relief. In the said suit, an order of interim injunction was also granted in favour of the 3rd respondent and this was also communicated to the 2nd respondent.

6.The further case of the petitioner is that the petitioner filed written statement and that the said suit itself came to be dismissed for default on 16.11.2018. According to the petitioner, this order had become final and no steps were taken by the 3rd respondent to restore the suit.

7.The petitioner executed a settlement deed in favour of her son and daughter on 28.03.2019 and the same was presented before the 2nd respondent to register the documents. The 2nd respondent refused to register the documents on the ground that there is an interim injunction passed by the Court. The petitioner brought to the notice of the 2nd respondent about the dismissal of the suit as early as on 16.11.2018. But, the 2nd respondent in spite of the same, refused to register the documents. According to the petitioner, she has paid the entire stamp duty and registration charges. Left with no other alternative, the present writ petition has been filed before this Court seeking for

appropriate directions.

8. Heard Mr.G.Mohanarangan, learned counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, appearing on behalf of the respondents 1 and 2.

9. In the considered view of this Court, the 2nd respondent ought to have satisfied himself with regard to the dismissal of the suit by directing the petitioner to produce the relevant documents and thereafter should have proceeded to take a decision with regard to the registration of the documents. Instead, the documents is kept pending for more than a year and more particularly, where the petitioner has already paid the entire stamp duty and registration charges.

10. In view of the above, there shall be a direction to the 2nd respondent to call upon the petitioner to produce the relevant documents evidencing the dismissal of the suit for default and also take an affidavit from the petitioner that the suit has not been restored till date and thereafter proceed to register the documents, if it is otherwise in order. This process shall be completed within a period of four weeks, from the date of receipt of copy of this order.

11. The petitioner is directed to make a fresh representation to the 2nd respondent along with all necessary documents and a copy of this order.

12. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

WEB COPY

2. The Sub-Registrar,
Office of the Sub-Registrar,
Virugambakkam,
Virugambakkam.

+1cc to Mr.G.MohanaRangan, Advocate, Sr.No.25475

W.P.No.9794 of 2020

VS (CO)
GS (24/08/2020)



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