

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE N.ANAND VENKATESH

W.P.NO.12154 OF 2020

R.Rajesh

..Petitioner

versus

1.The District Register Office,
No.35, Valkai Street,
Chidambaram Head Office,
Cuddalore District 608 001.

2.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavalipakkam,
Rajaannamalaipuram,
Chennai 600 028.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 30.07.2020 within a time frame fixed by this Court.

For Petitioner : Mr.Shaikh Mehrunisa
For Respondents : Mr.T.M.Pappiah, SGP

ORDER

On the consent given by either side, the main writ petition itself has been taken up for final hearing.

2. This writ petition has been filed for the issuance of writ of mandamus directing the respondents to consider the representation made by the petitioner on 30.07.2020 and take a decision in accordance with law.

3. The case of the petitioner is that the petitioner took on lease the subject property in the year 2014 from one Senthil

Kumar and Mrs.Suseela. The lease deed was also registered as document No.4691 of 2014, before the concerned Sub-Registrar office. One of the lessor viz., Suseela passed away on 03.09.2019 and it is stated that the said Suseela had executed settlement deed in favour of her son Senthil Kumar by registered settlement deed dated 23.07.2009.

4. The petitioner wanted to vacate the premises and get back the advance amount paid by him. He therefore approached the above said Senthil Kumar and offer made by the petitioner was also accepted. The document cancelling the lease deed was prepared and it was submitted before the Sub-Registrar office on 23.07.2020. The Sub-Registrar refused to entertain the document on the ground that all the legal heirs of late Suseela must sign the document, without which, the cancellation document cannot be entertained. Aggrieved by the same, the petitioner made a representation to the respondents on 30.07.2020.

5. Mr.T.M.Pappiah, Special Government Pleader appearing on behalf of the respondents submitted that the representation made by the petitioner was considered by the first respondent and the first respondent by proceedings dated 25.08.2020, has reiterated the stand taken by the Sub-Registrar and has insisted for the signature of all the legal heirs of late Suseela, in order to register the document.

6. Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

7. The document that has been submitted for registration is only a cancellation of lease deed and it is seen that the original lease deed was executed in favour of the petitioner by one Suseela and Senthil Kumar. This is a registered lease deed, registered as document No.4691 of 2014. It is seen from the records that the said Suseela has executed a settlement deed in favour of Senthil Kumar on 23.07.2009 and settled her share in the property and this document is also registered as document No.3313 of 2009. Thereby, the said Senthil Kumar is claiming to be the absolute owner of the property.

8. The petitioner wanted to vacate and hand over the premises by getting back the advance amount paid at the time of entering into the lease deed. When the cancellation deed was submitted before the concerned Sub-Registrar, it was refused to be registered on the ground that it must be signed by all the legal heirs of late Suseela. This stand taken by the Sub-Registrar was later affirmed by the first respondent by proceedings dated 25.08.2020.

9. In the considered view of this Court, the said Senthil Kumar has become the absolute owner of the property, in view of the fact that late Suseela has already executed settlement deed in his favour. Therefore, it is not necessary that all the legal heirs of late Suseela must sign in the cancellation deed. Such requirement is not mandated on the facts of the present case.

10. In view of the same, there shall be a direction to the Joint Sub-Registrar-I, Chidambaram to accept the cancellation document submitted by the petitioner and the above said Senthil Kumar and register the same, if it is otherwise in order. The above said Senthil Kumar shall give an affidavit to the concerned Sub-Registrar to the effect that he is the absolute owner of the property. Immediately after the registration, the document shall be released.

11. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The District Register Office,
No.35, Valkai Street,
Chidambaram Head Office,
Cuddalore District 608 001.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavalipakkam,
Rajaannamalaipuram,
Chennai 600 028.

+1cc to M/s.Shaikh Mehrunisa, Advocate, S.R.No.29372
+1cc to the Government Pleader, S.R.No.29640

W.P.No.12154 of 2020

SSV(CO)
KKV/15/09/2020