

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.13429 of 2020

W.Jasmine Racheal @ Malliga

... Petitioner

Vs.

1. The Principal Secretary to Govt. of TN,
Dept. of Commercial Taxes,
Registration & Stamps Act,
Namakkal Kavignar Maaligai,
Secreteriat, St. George Fort,
Chennai 600 009.
 2. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai 600 028.
 3. The District Registrar,
District Register Office,
No.230, 5th Gandhi Road,
Swalpet, Arakkonam 631 001.
 4. The Joint Sub Registrar No.II,
No.181, 3rd Gandhi Road,
Arakkonam 631 001.
- .. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 4th respondent to register the court orders namely order dated E.P.No.55 of 2004 in O.S.No.119/1998, E.P.No.56 of 2004 in O.S.No.121/1998 and E.P.No.57/2004 in O.S.No.120 /1998 on the file of District Munsif's Court, Arakkonam with declaration affidavit as submitted and acknowledged by the 4th respondent vide acknowledgment slip dated 10.08.2020 bearing temporary number TP/93721020/2020 .

For Petitioner : Mr. Pushpakaran

For Respondents: Mr.T.M. Pappiah, Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the 4th respondent to register the order passed in E.P.Nos.56 and 57 of 2004.

2. The case of the petitioner is that a suit was filed for specific performance in O.S.No.119, 121 and 120 of 1998 before the District Munsif Court, Arakkonam. These suits were decreed by decree and judgment dated 8.8.2003, 28.1.2003 and 8.8.2003 respectively. These decrees were sought to be enforced by the decree holder by filing E.P.Nos.55, 56 and 57 of 2004. During the pendency of the execution petitions, the dispute was amicably settled between the parties and the same was recorded by the Execution Court and the Execution Petitions were closed by an order dated 7.2.2005.

3. The husband of the petitioner, was the judgment debtor in all the Execution Petitions. He died in the year 2010. The petitioner wanted to register the orders passed in Execution Petitions, in order to ensure that the third parties are informed that the dispute has been resolved and the petitioner will be able to deal with the property. Since the 4th respondent did not act upon the documents submitted by the petitioner, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.Pushpakaran, learned counsel for the petitioner and Mr. T.M.Pappiah, learned Spl. Govt. Pleader appearing for the respondents 1 to 4.

5. Taking into consideration the facts and circumstances of the case and also taking into account the settled position of law, in so far as the registration of decree is concerned, there shall be a direction to the petitioner to submit the decrees passed in all the three suits along with the order passed in all the three Execution Petitions on 7.2.2005. The 4th respondent shall proceed to register those documents, if it is, otherwise in order subject to the petitioner paying the necessary stamp duty and registration fees.

6. This Writ Petition is disposed of with the above directions. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Govt. of TN,
Dept. of Commercial Taxes,
Registration & Stamps Act,
Namakkal Kavignar Maaligai,
Secreteriat, St. George Fort,
Chennai 600 009.



सत्यमेव जयते

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2. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai 600 028.

3. The District Registrar,
District Register Office,
No.230, 5th Gandhi Road,
Swalpet, Arakkonam 631 001.

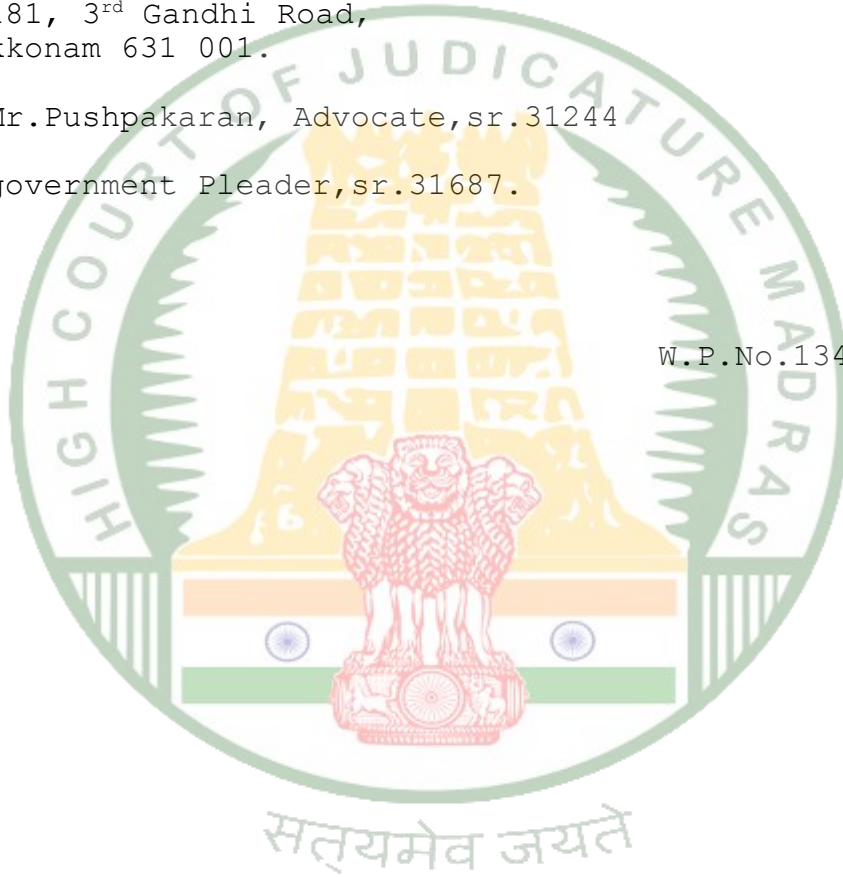
4. The Joint Sub Registrar No.II,
No.181, 3rd Gandhi Road,
Arakkonam 631 001.

+1 cc to Mr.Pushpakaran, Advocate,sr.31244

+1 cc to government Pleader,sr.31687.

Mg(co)
krd 28/10

W.P.No.13429 of 2020



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