

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16489 of 2020
and WMP.No.20468 of 2020

V.Velayutham

...Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-600 004.

2. The Sub Registrar,
Neelankarai Registrar Office,
No.72, 2nd Street, Neelankarai,
Chennai-600 041.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to consider the representation dated 31.01.2020 and consequently direct the second respondent to conduct the enquiry under Section 74 of Registration Act, 1908 in execution of settlement deed dated 24.07.2019 bearing document No.6416 of 2019 dated 24.07.2019 within a time frame as directed by this Court.

For Petitioner : M/s.Nathan & Associates
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

सत्यमेव जयते

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 31.01.2020 and to direct the second respondent to conduct an enquiry with regard to the execution of a document dated 24.07.2019.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. It is seen from records that one Govindammal seems to have executed an unregistered sale agreement dated 14.08.2012 in favour of the petitioner. The further case of the petitioner is that he has also paid an advance amount of Rs.3,00,000/- out of the total sale consideration of Rs.7,25,000/-.

4. The further case of the petitioner is that a suit was filed in O.S.No.41 of 2017 on the file of the Sub Court, Tambaram, seeking for the relief of specific performance and an ex-parte decree was passed on 22.04.2019.

5. The further case of the petitioner is that a settlement deed came to be executed by one Ashok Kumar in favour of his wife Bhavani on 24.07.2019 with respect to the subject property and a patta has also been issued by relying upon the document, in patta No.46.

6. The grievance of the petitioner is that the above transaction had taken place inspite of a decree passed in favour of the petitioner and therefore, the petitioner had made a representation to the respondent to conduct an enquiry in this regard. Since the same was not considered, the present writ petition has been filed before this Court.

7. A careful perusal of the documents filed in this writ petition, does not reveal anything as to what happened subsequent to the ex-parte decree that was passed on 22.04.2019. The ex-parte decree specifically states that the petitioner should deposit the balance sale consideration within a period of one week and the concerned defendant will have to execute a sale deed within a period one month thereafter. The affidavit is completely silent as to whether this direction was complied with and whether the petitioner took any steps to execute the decree and get the sale deed executed in his favour.

8. In the considered view of this Court, the petitioner has to necessarily work out his remedy only before the Civil Court and the respondents cannot conduct an enquiry based on the representation made by the petitioner in this regard. This writ petition requires a dismissal on yet another ground. The petitioner having made allegation against one Ashok Kumar and his wife Bhavani, has chosen not to add them as parties in this writ petition. Therefore, this writ petition is bad even on the ground of not adding the necessary parties in this writ petition.

9. In the result, this Court does not find any merit in this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rli

To

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-600 004.

2. The Sub Registrar,
Neelankarai Registrar Office,
No.72, 2nd Street, Neelankarai,
Chennai-600 041.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.37898
+1cc to the Government Pleader, S.R.No.38272

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CP(CO)
KKV/21/12/2020

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