

In the High Court of Judicature at Madras

Dated : 21.1.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.23543 of 2017

S.Raiyappan

...Petitioner

Vs

1.The Inspector General of
Registration, Santhome High
Road, Mylapore, Chennai-4.

2.The District Registrar, Opposite
Sivan Theatre, Tirupur.

3.The Sub-Registrar, Avinashi.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the 3rd
respondent to release the pending release deed in Document
No.P200800141 in receipt No.200813127 and 200821623.

For Petitioner :Mr.P.Tamilavel

For Respondents:Mr.P.P.Purushothaman, GA

ORDER

I have heard Mr.P.Tamilavel, learned counsel for the
petitioner and Mr.P.P.Purushothaman, learned Government Advocate
appearing for the respondents.

2. The petitioner seeks a direction to the third respondent
to register and release a document titled as a release deed,
which has been kept pending by the third respondent and assigned
pending No.P141 of 2008.

3. The petitioner would state that the release deed, which
was executed by the petitioner in favour of his sister one

Ms.Valliyathal has been refused to be registered and kept as pending document on the ground that there was an attachment made under the provisions of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997.

4. The case of the petitioner is that the said order of attachment has already been lifted as early as 2010 by and in support of such a contention, a copy of the encumbrance certificate has been relied upon. The petitioner would state that in spite of bringing to the notice of the third respondent about the lifting of the attachment over the property, the document has not been registered and released. Therefore, having failed in all his attempts before the Authorities, as a last resort, the petitioner is before this Court by filing this writ petition.

5. The learned counsel for the petitioner, after reiterating the facts as set out above, submits that very recently, a sale deed dated 06.3.2019 was registered as Doc.No.3462 of 2019 on the file of the third respondent and released to the purchaser concerned, in which, item 2 in the schedule of properties contains the very same survey number namely S.F.No.436/1A4. Hence, it is further submitted that there is no justifiable reason for the third respondent to retain the document without registering and releasing the same.

6. The learned Government Advocate, on instructions from respondents 2 and 3, submits that initially the petitioner did not produce any document to show that the attachment had been lifted and subsequently, the third respondent returned the document to the petitioner refusing registration. Thereafter, the petitioner filed an appeal against the said order before the second respondent and the same has been taken on file and the matter is listed for hearing by the second respondent on 27.1.2020 at 3 PM and if the petitioner appears and produces all the documents, then the second respondent will consider the same in accordance with law.

7. Considering the fact that the sale deed is of the year 2019 has been registered as Doc.No.3462 of 2019 and released, this Court finds that there is no valid reason for the third respondent to have refused registration. However, this issue will have to be decided by the second respondent since an appeal is pending before him and the matter is listed for hearing on 27.1.2020.

8. In the light of the above, the writ petition is disposed of with a direction to the petitioner to appear before the second respondent on 27.1.2020 either in person or through his authorized representative, place all the materials in support of his claim including a copy of this order and the sale deed dated 06.3.2019 registered as Doc.No.3462 of 2019 wherein one of the items of properties is comprised in S.F.No.436/1A4 and after hearing the petitioner or his authorized representative, the second respondent shall consider the above facts and pass orders within a period of two weeks, from the date, on which, the personal hearing is concluded. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Inspector General of Registration,
Santhome High Road, Chennai-4.

2.The District Registrar,
Opposite Sivan Theatre, Tirupur.

3.The Sub-Registrar, Avinashi.

+1cc to Mr.P.Tamilavel, Advocate SR.4158

+1cc to the Government Pleader SR.4340

W.P.No.23543 of 2017

GJ(CO)

CB(24/01/2020)

सत्यमेव जयते

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