

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Date : 24.08.2020

THE HONURABLE MR.JUSTICE N.Anand Venkatesh

W.P.No.34355 of 2019

Mr.S.Thirumeni,
S/o..Somasundaram

... Petitioner

.vs.

1. The Sub Registrar,
Madhavaram Sub Registration Office,
Madhavaram, Chennai - 600 060.
2. The District Registrar,
Madhavaram Sub Registration Office,
Madhavaram, Chennai - 600 060.
3. The Inspector General of Registration,
Santhome Salai, Mandaveli,
Chennai - 28.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 21.11.2019 made by the petitioner pertaining to the property and as a consequential relief direct the respondents 1 to 3 to upload the Mondiamman Kovil Street, comprised in Survey No.37/2. Erukkanchery Village, in the registry of 1st respondent.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.P.Pappaiah

Additional Government Pleader

ORDER

This writ petition is filed for issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 21.11.2019 and to take necessary action within the time stipulated by this Court.

2. The case of the petitioner is that the subject property was originally owned by the mother of the petitioner and patta was also issued in her favour in the year 1974. The further case of the petitioner is that the mother of the petitioner died on 18.07.2018 leaving behind the petitioner as her legal heir.

According to the petitioner, records have been transferred in the name of the petitioner. The petitioner wanted to execute settlement deed in favour of his wife. When the documents were presented for registration, the same was not entertained by the first respondent on the ground that the concerned street, where the property is situated, is not uploaded in the record and therefore, registration cannot be done. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.Ramachandran, learned counsel appearing on behalf of the petitioner and Mr.P.Pappaiah, learned Additional Government Pleader, appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is entitled to deal with his property and the same cannot be denied just because the records in the first respondent office has not been updated, there shall be a direction to the first respondent to receive the settlement deed submitted by the petitioner and register the same after collecting necessary stamp duty and registration charges, if it is otherwise in order.

4. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub Registrar,
Madhavaram Sub Registration Office,
Madhavaram, Chennai - 600 060.
2. The District Registrar,
Madhavaram Sub Registration Office,
Madhavaram, Chennai - 600 060.
3. The Inspector General of Registration,
Santhome Salai, Mandaveli,
Chennai - 28.

+1cc to the Government Pleader Sr.No.27769

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