



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13087 of 2020

Palaniammal

...Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Velayuthampalayam,
Karur District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 17.08.2020 and consequently to accept the petitioner's document and to register the same as time fixed by the Court.

For Petitioner : Mr.P.Athimoolapandian

For Respondent : Mr.K.Sathiya Singh
Additional Government Pleader

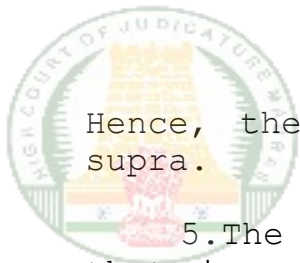
ORDER

This Writ Petition is filed to direct the respondent to accept the petitioner's document and to register the same, by considering the representation of the petitioner dated 17.08.2020.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, after the demise of her husband, she succeeded the property in S.Nos.242/11 and 242/12, measuring to an extent of 0.70 cents situated at Kadambankurichi Village, Velayuthampalayam Firka, Karur District, for which, she was issued with patta by the revenue authorities.

4.At this juncture, the petitioner sold some portion of the said property to one Kannammal, under a registered sale deed vide Doc.No.849/1996 dated 17.11.1995. The remaining portion of the aforesaid property was sold to one Natarajan and in this regard, at the time of presenting the sale deed document before the respondent office for registering the same, the respondents have orally rejected the claim of the petitioner stating that the petitioner has not owned the property in S.Nos.242/11 and 242/12. Hence, the petitioner made a representation dated 17.08.2020 before the respondent seeking to register the sale deed executed in favour of said Natarajan. However, no action has been taken by the respondent.



Hence, the petitioner is before this Court for the relief stated supra.

5.The learned counsel appearing for the petitioner would submit that in respect of the property in S.Nos.242/11 and 242/12 patta stands in the name of the petitioner. Though the petitioner had already sold some portion of the aforesaid property to one Kannammal, W/o.Rasu under the registered sale deed document dated 17.11.1995, the remaining portion of the same is owned by the petitioner, which was later sold to Natarajan. Without entertaining the aforesaid fact, the respondent has refused to register the sale deed executed by the petitioner in favour of one Natarajan.

6.The learned Additional Government Pleader appearing for the respondent would submit that if the petitioner submits a fresh representation along with necessary documents before the respondent with regard to her ownership over the aforesaid property, the same shall be considered in accordance with the Registration Act and Rules.

7.The learned counsel appearing for the petitioner has agreed with the submission of the learned Additional Government Pleader and further he has given an undertaking that the petitioner shall also file necessary documents as required by the respondent including the parental document for the subject matter of the property to establish her right over the same.

8.Heard the learned counsel on either side and perused the materials available on record.

9.Admittedly, the petitioner was issued with patta in No.345 in respect of the property in S.Nos.242/11 and 242/12 and a copy of the same has also been enclosed in the typed set of papers. However, some of the portion of the aforesaid property was sold to one Natarajan and in respect of the same, at the time of presenting the sale deed document executed by the petitioner in favour of the said Natarajan, the respondent had refused to register the same, since patta also stood in the name of the petitioner for the aforesaid property. Therefore, in the interest of justice and in view of the undertaking given by the learned counsel appearing for the petitioner, this Court is inclined to pass the following directions:-

i) the petitioner is directed to place the original sale deed executed by her in favour of the said Natarajan before the respondent for registering the same along with necessary documents including the patta No.345, which stands in the name of the petitioner within two weeks from the date of receipt of copy of the order;

ii) on receipt of such sale deed, the respondent is directed to register the same in accordance with the Registration Act and Rules,



if it is otherwise in order;

iii) if it is not in order, it is for the respondent to communicate the reason to the petitioner for rejecting the claim of the petitioner;

iv) the aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order;

10. This Writ Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Sub Registrar,
Sub Registrar Office,
Velayuthampalayam,
Karur District.

+1 CC to M/s.GP (SR-18572[F] dated 30/09/2020)

W.P. (MD) No.13087 of 2020

30.09.2020

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