



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.13796 of 2020

G.R.Subramanian

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
TNAU Nagar, Rajagambeeram
Y.Othakadai, Madurai District.

2.The Sub Registrar,
Thamaraipatti, Chittampatti,
Melur Taluk
Madurai, 625 104 .

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to register the sale deed dated 17.08.2020 presented by the petitioner, since petitioner have already paid the necessary non judicial stamp papers, which is valid for 120 days and has also complied with the submission of necessary documents as per the refusal slip dated 02.09.2020.

For Petitioner : Mr.M.S.Suresh Kumar

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

O R D E R

This writ petition has been filed for a mandamus to direct the second respondent to register the sale deed dated 17.08.2020 presented by the petitioner, since petitioner has already paid the necessary non judicial stamp papers, which is valid for 120 days and has also complied with the submission of necessary documents as per the refusal slip dated 02.09.2020.

2.The case of the petitioner in nutshell is that the petitioner's mother executed a settlement deed in favour of the petitioner and his sons. However, in the joint patta issued with



regard to the property in question, the name of the petitioner was not found. Since the petitioner's sons have not taken care of him, the petitioner sent a representation on 23.11.2016 for include his name in the patta. Subsequently, the petitioner filed W.P.(MD) No.1353/2017 to consider the said representation dated 23.11.2016. In the said writ petition, a direction was given to the respondents therein to consider and dispose of the said representation within twelve weeks. Pursuant to the said order, the petitioner was issued with joint patta and obtained his share. While so, in order to sell his share of the property in favour of the third parties, the petitioner executed a sale deed dated 17.08.2020 and presented the documents for registration. However, without registering the sale deed, the respondents insisting for the settlement deed dated 19.05.1967.

3. It is the case of the petitioner that when the judgment and decree in O.S.No.198 of 2004 has dealt with the original settlement deed and the judgment is in favour of the petitioner, the respondents ought to have registered the same without insisting upon the original settlement deed dated 19.05.1967. The petitioner has also given a representation 07.09.2020 to the respondents. However, since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

4. The learned Additional Government Pleader, on instructions, would submit that if the petitioner produces the necessary documents, the respondents would consider the request of the petitioner.

5. The petitioner is expected to produce necessary documents in order to enable the Sub Registrar to register the sale deed. Unless otherwise the property is properly earmarked, a portion of the property cannot be registered.

6. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready and willing to produce the documents. The said statement is recorded.

7. Since the petitioner has agreed to produce the documents before the Sub Registrar, no further orders are required to be passed in this writ petition except directing the petitioner to produce the documents and on verifying the same, if there is no violation, it is open to the Sub Registrar to register the document to the extent of the property sought to be registered. It is needless to mention that the settlement deed dated 19.05.1967 can be verified by the authorities from the Sub-Registrar office, where the said document is registered.



8. The writ petition is disposed of with the above observation and direction. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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:

1.The Deputy Inspector General of Registration,
TNAU Nagar, Rajagambeeram
Y.Othakadai, Madurai District.

2.The Sub Registrar,
Thamaraipatti
Chittampatti
Melur Taluk
Madurai.

+1 CC to M/s.GP (SR-20980[F] dated 03/11/2020)

Order made in

W.P. (MD) No.13796 of 2020

Dated:

02.11.2020

ARK(CO)

AP(26/11/2020) 3P 4C