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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11787 OF 2012

P.Ashok Kumar @ Ashok Phalajrai Wadhwa

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Represented by the Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Chennai - 600 028.

2. The Sub Registrar,
Office of the Sub-Registrar,
Triplicane, Royapettah,
Chennai - 600 014.

3. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
No.119, Uttamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to register and release the pending document bearing No.61 of 2011 dated 30.08.2011 on the file of the second respondent.

For Petitioner : Mr.L.Raja Sekar

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate

O R D E R

This writ petition is filed to issue a writ of Mandamus, directing the respondents to register and release the pending document bearing No.61 of 2011 dated 30.08.2011 on the file of the second respondent.



2. The case of the petitioner is that the petitioner and his sisters are the legal heirs of the deceased father. The property bearing No.2, (Old No.26/27) situated at Thalayari Street, Royapettah, Chennai - 600 014, was originally purchased by the petitioner's grandfather by the registered sale deed, dated 03.04.1961, vide document No.282 of 1961. The said grandfather died on 20.08.1965 and thereafter, his legal heirs inherited the said property. Finally, after demise of the petitioner's father, his aunt R.Santhi Devi holding 50% share of the said property, executed release deed dated 04.05.2009, registered vide document No.464 of 2009 in favour of the petitioner and his sisters. Thereafter, they entered family arrangement by the partition deed, dated 30.08.2011 and presented for registration before the second respondent with required stamp duty and registration fees. However, the second respondent refused to admit the document for registration for the reason that the third respondent issued letter asking the authority not to entertain any evidence for registration pertaining to the subject property. Hence, the petitioner filed this Writ Petition for direction to direct the respondents to register and release the pending document bearing No.61 of 2011 dated 30.08.2011 on the file of the second respondent. While pending the writ petition, this Court directed to implead the Thiruvetteeswarar Thirukkivil, Chennai - 600 005 as fourth respondent to this Writ Petition. But till, the learned counsel for the petitioner has not taken steps to implead the said Temple. However, Mr.Baranikumar, learned counsel appearing on behalf of the said Temple submitted that the subject property belonged to the said Temple and he raised objections to register the document, if any, in respect of the subject property.

3. On a perusal of the counter affidavit, it reveals that the second respondent received a letter from the third respondent not to register any deed of conveyance in respect of the property comprised in R.S.No.1246, Royapettah. Further, it reveals that, after presentation of the partition deed for registration, the petitioner was directed to produce patta and other documents to show their title over the said property. The petitioner failed to produce any document and as such, the said document was kept as pending document.

4. Considering the above facts and circumstances of the case, the second respondent is directed to issue notice to the petitioner and the Thiruvetteeswarar Thirukkivil, Chennai - 600 005 and also concerned parties if any, after giving opportunity of hearing to them, conduct enquiry and pass orders on merits and in accordance with law in respect of registering partition deed, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
State of Tamil Nadu,
Office of the Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Office of the Sub-Registrar,
Triplicane, Royapettah,
Chennai - 600 014.
3. The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
No.119, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.L.Raja Sekar, Advocate, S.R.No.52233

+1cc to the Government Pleader, S.R.No.52796

+1cc to the Special Government Pleader (HR & CE), S.R.No.52180

W.P.NO.11787 OF 2012

GP(CO)
PBS/11/11/2021