

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.17350 of 2011

D.Gopal

... Petitioner

Vs.

1.The Joint Sub Registrar No.2,
O/o.Joint Sub Registrar No.2,
Saidapet, Chennai - 600 015.

2.Mr.Jayaveeran,
(Formerly Sub Registrar), Saidapet,
District Registrar (Administration),
O/o. District Registrar (Administration),
Ramanathapuram & District.

3.R.Vijaya
(Impleaded as per order dated
1.8.11 by NPVJ in MP No.1/11 in
W.P.No. 7350/2011)

.... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to call back the documents submitted under pending document No.13/2009 under receipt No.200900013 (Book 1) & 200900013 submitted by Tmt.Vijaya on behalf of the petitioner to get the same registered to furnish the copy of the petitioner.

For Petitioner : Mr.V.Manohar
For Respondents : Mr.P.P.Purushothaman
Government Advocate
for R1 and R2

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to call back the documents submitted under pending document No.13/2009 under receipt No.200900013 (Book 1) & 200900013 submitted by Tmt.Vijaya on behalf of the petitioner to get the same registered to furnish the copy of the petitioner.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner is the one of the executants of the partition deed executed dated 07.09.2009. The petitioner's family members signed the document and the same was produced before the second respondent for reregistration by paying necessary charges and the stamp duty. The document was kept pending. The second respondent did not register the document on file by assigning the registration number. Thereafter, the petitioner came to know that the document was not available before the first respondent for registration. Later, the petitioner gave a compliant about the missing document. Then he came to know that the second respondent in collusion with the third respondent submitted a letter dated 24.08.2010 to withdraw the document, which was pending for registration by forging signatures of four others.

3. The learned counsel for the petitioner stated that the third respondent has collected the document from the first respondent without the knowledge of the petitioner, even though the document was signed by all the members of the family and the same was produced before the second respondent for registration by all concerned.

4. According to the petitioner, the first respondent failed to compare the signatures of the petitioner and others while handing over the document to the third respondent in the absence of the other parties.

5. It is not the case of petitioner that the third respondent was not authorized to collect the document at the time of presentation of the document. It is seen that the third respondent is also a party to the document. It is also admitted that the document was presented by her after paying the registration charges a sum of Rs.10,200/-. It is evident that on the representation of the third respondent, the document was handed over to the third respondent. This Court is of the view that the document which was submitted for registration by third respondent can be handed over to her, if she is also authorized to receive. The petitioner can proceed against third respondent by filing a suit or criminal complaint.

6. This Court is not inclined to grant any relief to the petitioner. Accordingly, the writ petition is dismissed and liberty is granted to the petitioner to approach the Civil Court for getting proper relief. No Costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

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Copy to

1.The Joint Sub Registrar No.2,
O/o.Joint Sub Registrar No.2,
Saidapet, Chennai - 600 015.

2.Mr.Jayaveeran,
(Formerly Sub Registrar), Saidapet,
District Registrar (Administration),
O/o. District Registrar (Administration),
Ramanathapuram & District.

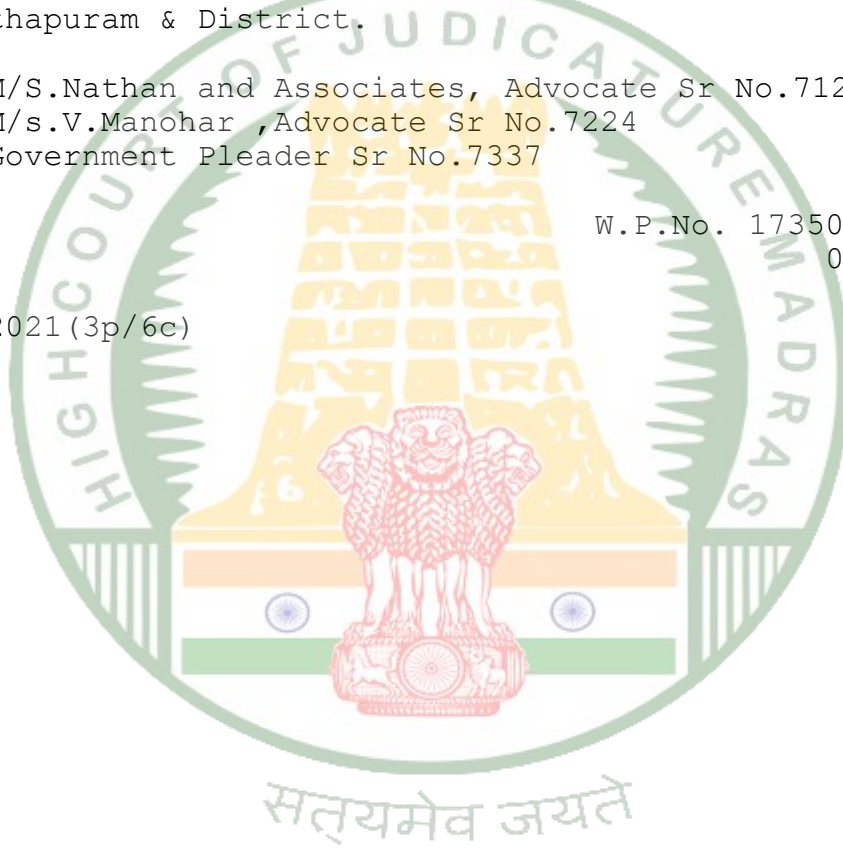
+1 cc to M/S.Nathan and Associates, Advocate Sr No.7128

+1 cc to M/s.V.Manohar ,Advocate Sr No.7224

+1 cc to Government Pleader Sr No.7337

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PL (CO)
RG.26.04.2021 (3p/6c)



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