



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.5945 of 2021

Kuppan @ Kuppuamy

...Petitioner

-Vs-

Sub-Registrar,
Joint Sub-Registrar II,
Saidapet, Chennai - 600 015.

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to return the registered document, Decree in O.S.No.189/2016, Sub Court, Tambaram, Document No.5 of 2020, on the file of the respondent to the petitioner.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.T.M.Pappiah
Special Government Pleader(Registrar)

ORDER

The petitioner has presented a compromise decree passed in O.S.No.189 of 2016, which was instituted for a decree seeking partition of the properties involved in the suit, for due registration. That it was registered, but the document was not returned to the petitioner in spite of his representation dated 22.01.2021.

2. This matter came up before this Court on 11.03.2021 and has already been disposed of by this Court. However, it came to be posted by this Court again on the request of the learned counsel for the petitioner and it was mentioned that even though the Court allowed their writ petition, the content of the order does not reconcile with part of the facts of the case as presented by the petitioner.

3. This Court perused the papers and found that the order partly does not fit in the factual situation. Therefore, this Court is constrained to recall the earlier order dated 11.03.2021 and has chosen to pass a fresh order.



4. Heard Mr.T.M.Pappiah, learned Special Government Pleader enters appearance for the respondent and made a statement that the petitioner have to pay the fee for registration.

5. The learned counsel for the petitioner submitted that the compromise decree does not involve any properties which are not the subject matter of the suit. He added that a compromise decree has been incorporated and non judicial stamp paper for a value of Rs.25,000/- has been paid. He submitted that necessary Registration fee has been paid and the document has already been registered.

6. This Court finds no reason as to why a compromise decree which admittedly does not involve the properties other than the suit properties in O.S.No.189 of 2016, which is also been correctly registered is not yet returned to the party. This Court therefore, directs the respondent/Sub Registrar, Saidapet to return the registered copy of the compromise decree in O.S.No.189 of 2016 to the petitioner within a week from the date of receipt of a copy of this order.

7. The Writ Petition is allowed in the manner indicated. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Tsg

To

The Sub-Registrar,
Joint Sub-Registrar II,
Saidapet, Chennai - 600 015.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.25588

W.P.No.5945 of 2021

GMI (CO)
CT(16/07/2021)