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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.16342 OF 2020

Shantabai

...Petitioner

Versus

1. The Inspector General of Registration
No.100, Santhome High Road,
R.A.Puram, Chennai - 600 028.
2. The Sub-Registrar,
Sub Registration Office, Periamet,
1103, Poonamallee High Road, Park Town,
Poongavanapuram, Chennai,
Tamil Nadu - 600 007.

...Respondents

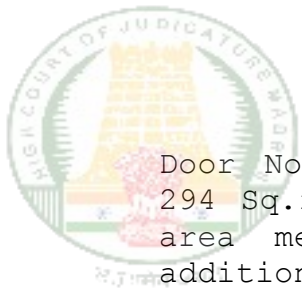
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to release and return the document No.376 of 2020 namely settlement deed dated 13.02.2020 on the file of SRO, Periamet, with respect to a Flat No.E-62 situated at VI floor in B.B.C. Spring Field Apartment bearing Door No.58 E.V.K.Sampath Road, Vepery Chennai, measuring about 294 Sq.ft. of undivided share along with proportionate built up area measuring about 910 Sq.ft. without insisting for any additional stamp duty or registration charges.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondent to release and return the document No.376 of 2020 namely settlement deed dated 13.02.2020 on the file of SRO, Periamet, with respect to a Flat No.E-62 situated at VI floor in B.B.C. Spring Field Apartment bearing



Door No.58 E.V.K.Sampath Road, Vepery Chennai, measuring about 294 Sq.ft. of undivided share along with proportionate built up area measuring about 910 Sq.ft. without insisting for any additional stamp duty or registration charges.

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2. According to the petitioner, her granddaughter namely Juhi Uttam Chand Sonigra had executed a registered Settlement Deed vide in Document No.376 of 2020, dated 13.02.2020 on the file of Sub Registrar Office, Periamet, in favour of the petitioner with respect to a Flat No.E-62 situated at VI floor in B.B.C. Spring Field Apartment bearing Door No.58 E.V.K.Sampath Road, Vepery Chennai, measuring about 294 Sq.ft. of undivided share along with proportionate built up area measuring about 910 Sq.ft. When the petitioner was requested before the respondent's office to release the above said document, the respondent had agreed to release the said document and also took the thumb impression for releasing the document and also affixed the seal on the document, but, however, at the last moment, the respondent objected for releasing the document stating that the settlement deed executed by her granddaughter to Grandmother. Therefore, the petitioner has insisted on payment of extra stamp duty and registration fees. Subsequently, she has also availed the certified copy of the document and the same is also available through online as on date. Hence, the transaction is well within the family and the respondent ought to have released the said document without insisting for any additional stamp duty or registration charges, especially when the document has been duly registered without any objection. However, the 2nd respondent/Sub Registrar has not considered to release the aforesaid document, request was made by her. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's requests and dispose of the same within a stipulated time that may be framed by this Court.

4. Heard both side and perused the materials available on record.

5. On perusal of the records, it is seen that the petitioner's granddaughter executed a registered settlement deed, dated 13.02.2020 in favour of the petitioner. Whereas, in similar case, the grandfather executed a similar settlement deed in favour of grandson. In pursuant to the order passed in W.P.No.12611 of 2012, dated 19.11.2018, (T.Ranganatha Mudaliar and Anr v. The District Registrar) (Administrative) cum Assistant



Registrar, Registration, Pattinampakkam, Santome, Chennai - 28, wherein, the reverse was permitted viz., the grandfather executed a settlement deed in favour of his grandson. As per the earlier order passed in W.A.No.85 of 2015, dated 23.10.2017, a copy of the said order may also be forwarded to the Competent Authorities, based on which, the claim is to be considered. It is also found that the Authorities had issued a notice on 04.08.2021 under Section 33A of the Registration Act, 1909, calling upon the petitioner to attend the enquiry scheduled on 13.08.2021. However, the petitioner did not attend the enquiry in view of the pendency of this writ petition. Further, the second respondent/Sub Registrar was directed to issue fresh notice to the petitioner for further enquiry, but, the Authorities had not called the petitioner for an enquiry. The 2nd respondent to hold an enquiry on 25.11.2021 and the petitioner is hereby directed to appear before the 2nd Respondent on 25.11.2021 to attend the enquiry with all the relevant Revenue Records, and thereafter, the Respondents/Authorities shall proceed further and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties concerned within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Inspector General of Registration
No.100, Santhome High Road, R.A.Puram, Chennai 600 028.
2. The Sub-Registrar,
Sub Registration Office, Periamet,
1103, Poonamallee High Road, Park Town,
Poongavanapuram, Chennai, Tamil Nadu 600 007.

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.57225
+1cc to Government Pleader, S.R.No.57665

W.P.No.16342 of 2020

CP (CO)
CS/30/11/2021