

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.4528 of 2017

K.Ponnammal

... Petitioner

-Vs-

1. The Inspector General of Registration
Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar
Office of the Sub Registrar,
Virugambakkam, Chennai - 600 092.
3. Arulmighu Thiruvateeshwaran Temple
Rep. by sole Hereditary Trustee,
T.N.Shanmugavel,
No.2, Dr.Vasudevan Street,
Kilpauk, Chennai - 600 010. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to register the Deed of Grant of Easementary Right dated 18.08.2016 signed by the third respondent and presented by the petitioner by considering the representation dated 28.09.2016 and reminder, dated 11.01.2017 submitted to the second respondent and pass appropriate orders for registration of the Document as provided under Section 71 of the Registration Act, 1908 and release the document upon registration to the petitioner.

For Petitioner : Ms.T.Vasudha Thiagarajan
for Mr.R.Thiagarajan

For Respondents: Mr.P.Purushothaman,
Government Advocate for R1 and R2

Ms.G.Sumitra for R3

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the second respondent to register the Deed of Grant of Easementary Right dated 18.08.2016 signed by the third respondent and presented by the petitioner by considering the representation dated 28.09.2016 and reminder, dated 11.01.2017 submitted to the second respondent and pass appropriate orders for registration of the Document as provided under Section 71 of the Registration Act, 1908 and release the document upon registration to the petitioner.

2. In respect of Document No. P 290/2016 which is nothing but a grant of Easementary right, registration had been kept pending at the office of the second respondent from the year 2016 with regard to certain queries.

3. In this regard, the second respondent seems to have raised certain queries, by sending a letter on 18.08.2016 to the petitioner, who, in turn, has sent a reply in detail on 28.09.2016 to the second respondent Sub Registrar, who received the same on 28.09.2016 itself. However, thereafter, no action has been taken and the document has not been released so far, hence, the petitioner has approached this Court by filing the present writ petition.

4. Heard Ms.T.Vasudha Thiagarajan, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid, seeks indulgence of this Court to give a suitable direction to the second respondent to take up the reply given by the petitioner dated 28.09.2016 and decide the issue and release the document at the earliest.

5. Heard Mr.P.Purushothaman, learned Government Advocate appearing for the respondents 1 and 2, who would submit that, after giving notice to the petitioner as well as the third respondent Temple, the needful would be undertaken with regard to the document in question and a final order to that effect would be passed within a time frame that may be stipulated by this Court.

6. Ms.G.Sumitra, learned counsel appearing for the third respondent would submit that, if at all any decision is taken by the second respondent on the reply given by the petitioner as alleged by them, the third respondent Temple also shall be heard by the second respondent, for which, notice to be given and thereafter a decision can be taken, she contended.

7. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8. Since the document in question has been kept as a pending document from the year 2016, where, a query has been raised on 18.08.2016 by the second respondent, for which, reply also has been given by the petitioner as early as on 28.09.2016 and on that date itself, the second respondent has received the same.

9. Having receipt of the same, immediately that could have been acted upon, however, since the second respondent has not so far acted upon, this Court is inclined to dispose of this writ petition with the following orders.

That the second respondent is hereby directed to consider the reply given by the petitioner dated 28.09.2016 in respect of pending Document No.P.290/2016 on the file of the second respondent office and after giving notice for being heard to both the petitioner as well as the third respondent Temple, the second respondent shall decide the issue and pass final orders with regard to the release of the document in question or otherwise, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tsvn/sgl

To

1. The Inspector General of Registration
Santhome High Road,
Chennai - 600 028.

2. The Sub Registrar
Office of the Sub Registrar,
Virugambakkam,
Chennai - 600 092.

+2cc to M/s.R.Thiagarajan, Advocate Sr.26811
+1cc to the Government Pleader Sr.27031
+1cc to M/s.G.Sumitra, Advocate Sr.26823

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