



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 34356 of 2017

J.Ramesh

... Petitioner

-vs-

1.The Sub-Registrar No.1,
Sub-Registrar Office,
Alandur, Chennai.

2.The Tahsildar,
Taluk Office,
Alandur,
Kancheepuram District,
Chennai.

3.R.Thilagavathy

... Respondents

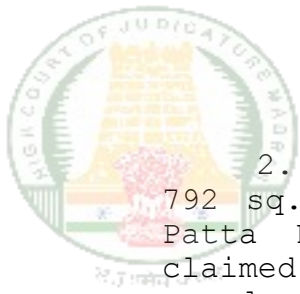
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to register the document already prepared by the third respondent dated 05.12.2017 for an extent of 792 sq.ft., Patta No.288, Nandampakkam Village, Alandur Taluk, Kancheepuram District as per the petitioner petition dated 10.12.2017

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Ms.Akila Rajendran
Counsel for Government for R1&R2
Mr.M.Prabakaran for R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to register the document already prepared by the third respondent dated 05.12.2017 in respect of the land to an extent of 792 sq.ft. in Patta No.288, Nandampakkam Village, Alandur Taluk, Kancheepuram District as per the petitioner's petition dated 10.12.2017



2. In respect of a portion of the property to an extent of 792 sq.ft. at S.No.69/4b in Nandampakkam Village covered under Patta No.288, the petitioner and his brothers and sisters claimed to have the valuable and marketable title and presented a sale deed dated 05.12.2017 to the first respondent office for registration. However, the same was not considered and no reason had also been given by the first respondent and no refusal order has been passed in this regard.

3. Therefore, in order to register the same, the petitioner has given a representation to the first respondent on 10.12.2017, however, the said representation also seems to have not been considered and no orders yet to be passed. Therefore, in order to consider the representation and to register the sale deed dated 05.12.2017, the petitioner has filed the present Writ Petition with the aforesaid prayer.

4. Heard Mr.S.Radhakrishnan, learned counsel appearing for the petitioner, who would submit that, the entire extent of the property to an extent of 0.11.5 hectares at the aforesaid survey number covered under Patta No.288 originally belongs to the grandmother of the petitioner one Sarah Subbaiyammal. Since the said lady did not have any issue, she adopted one Balaraman @ Joseph Paulraj, who is none other than the petitioner's father and whose favour, a Will has been executed by the said lady on 20.01.1959 and the same was probated by the orders of this Court dated 06.12.1963, that is how, the petitioner's father one Balaraman had become the owner of the entire extent of the property at S.No.69/4b.

5. The said Balaraman died in the year 2013 and on 08.04.2016, the mother of the petitioner also subsequently died. Therefore, the petitioner and the other legal heirs since inherited the properties as per the recital of the Will dated 20.01.1959 and probated on 06.12.1963, they already built up a house in portion of the land and are residing there.

6. They already sold 954 sq.ft. of the said land to and in favour of the third respondent one Thilagavathy and the said sale was registered as a document in the first respondent's Office.

7. Subsequently, the petitioner wanted to sell some more portion of the property to an extent of 792 sq.ft. in S.No.69/4b and seems to have executed the sale dated 05.12.2017 and when he approached the Registrar Office, i.e., first respondent's Office, it is the claim of the petitioner that, the first respondent has stated that the document would be kept as a pending document. However, thereafter, no such registration as a pending document seems to have been made and according to the



petitioner, the first respondent has not acted upon on the said document presented for registration.

8. Therefore, the petitioner had given a representation on his behalf as well as on behalf of the other legal heirs, who are the joint vendors, on 10.12.2017 to the first respondent, requesting the first respondent to register the sale deed in question. However, the said representation since had not been considered, he approached this Court.

9. In this context, the learned counsel appearing for the petitioner would submit that, since absolutely, there has been no dispute over the ownership of the property concerned, which is sought to be transferred by way of sale deed, the same, when was presented, should have been accepted and registered by the first respondent. However, despite the representation given in this regard on 10.12.2017, the first respondent has not come forward to call upon the petitioner to present the document for registration and nothing was forthcoming from the first respondent, hence the learned counsel seeks indulgence of this Court to issue a suitable direction to the first respondent.

10. Heard Ms.Akila Rajendran, learned counsel for the Government appearing for the official respondents, who, would submit that, if at all, the sale deed in question dated 05.12.2017 was presented to the first respondent and the same could not be registered for any acceptable reason, the first respondent would have returned the same and refused to register the said document by stating the reasons.

11. However, according to the petitioner, no such order of refusal to register the document had been given by the first respondent. Therefore, in this context, whether the document in question had been presented by the petitioner and if so, whether the document is capable of registration or not would be decided by the first respondent and in this context, the representation of the petitioner dated 10.12.2017 would be considered and orders would be passed within a time frame that may be stipulated by this Court, she contended.

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

13. In view of the said submissions made by the learned counsel appearing for the parties, especially the learned counsel for the Government, this Court is of the view that, a direction can be given to the first respondent to consider the representation of the petitioner dated 10.12.2017 and decide the same on merits and in that process, the first respondent can



issue notice to the petitioner to verify the sale deed in question dated 05.12.2017 and after verification, if the first respondent comes to the conclusion that, it is capable of registration, accordingly, the document can be registered if it is otherwise in order. However, if the first respondent comes to the conclusion that, the document in question is not capable of being registered for any acceptable reason to be adduced in this regard by giving such reasons in writing, the said request of the petitioner dated 10.12.2017 by way of representation given in this regard shall be disposed of. The needful as indicated above shall be undertaken by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

14. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vji

To

1.The Sub-Registrar No.1,
Sub-Registrar Office,
Alandur, Chennai.

2.The Tahsildar,
Taluk Office,
Alandur,
Kancheepuram District,
Chennai.

+1cc to Mr.S.Radhakrishnan, Advocate (SR No.33732)

+1cc to Mr.M.Prabaharan, Advocate (SR No.33585)

+1cc to the Government Pleader (SR No.34350)

W.P. No. 34356 of 2017

AJS (CO)
PR (16/08/2021)