



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5784 of 2022

Prakash Rao

... Petitioner

vs.

1. The District Registrar, (North),
Kuralagam,
Chennai - 600 108.

2. The Sub Registrar,
O/o. The Sub Registrar,
Madhavaram,
Chennai - 600 060.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to dispose of the appeal submitted by the petitioner on 28.07.2021 and consequently direct the respondent to admit the document vide Sl.No.19 [D519] submitted by the petitioner for registration on 03.05.2021.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the appeal submitted by the petitioner on 28.07.2021 and consequently direct the respondent to admit the document vide Sl.No.19 [D519] submitted by the petitioner for registration on 03.05.2021.

2. The case of the petitioner is that one Sugrivulu, the father of the petitioner is the owner of the property in R.S.No.1034/1 situated at Madhavaram Village, Chennai - 600 060 and he has been suffering from memory loss for the past two years. Taking advantage of the health condition of said Sugrivulu, the following persons namely one Kottaiya, Indira Devi, Padmavathy, Vasumathi and Haribabu executed settlement



deed in favour of Kottaiya on 14.02.2019. After the death of said Sugrivulu, the petitioner executed a Settlement Deed in favour of his wife and son and the documents were presented before the respondents for registration on 03.05.2001 and the same was rejected by the respondents on the ground of the objection by a third party. Thereafter, the petitioner filed a Writ Petition No.15339 of 2021 dated 26.07.2021 before this Court and the learned Judge disposed the same by directing the petitioner to exhaust the alternative remedy provided under Section 72 of the Registration Act, 1908. While so, the petitioner filed an Appeal before the 1st respondent as per Section 72 of the Registration Act, 1908 dated 28.07.2021 and the same was kept pending for nearly eight months. Hence, the petitioner filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's Appeal dated 28.07.2021 and pass orders on merits within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader for respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's Appeal dated 28.07.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rap/sk



To

1. The District Registrar, (North),
Kuralagam,
Chennai - 600 108.

2. The Sub Registrar,
O/o. The Sub Registrar,
Madhavaram,
Chennai - 600 060.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.17651

W.P.No.5784 of 2022

GPL (CO)
CT 06/04/2022