



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7553 of 2022

Ms.Catherine Daniel

...Petitioner

Vs.

The Joint II Sub Registrar,
Thousand Lights,
Chennai 600006.

...Respondent

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus Directing the respondent to consider the Notice dated 25.01.2022 sent and to register and release the settlement deed dated 12.10.2015 which is assigned as pending document No.43 of 2016 in the office of the respondent.

For Petitioners: Ms.Vasudha Thiagarajan

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this petition for issuance of Writ of Mandamus directing the respondent to consider the Notice dated 25.01.2022 sent and to register and release the settlement deed dated 12.10.2015 which is assigned as pending document No.43 of 2016 in the office of the respondent.

2. The case of the petitioner is that the petitioner is in absolute possession and enjoyment of the property in Old Door No.10/12A, Then Door No.10, New Door No.33, Mayor Sivashanmugam Street, Nungambakkam, Chennai 600 034 and the said property has been settled in favour of the petitioner vide Settlement Deed dated 10.12.2013. Thereafter, the petitioner executed a Settlement Deed in favour of her sister and presented it for registration before the respondent, however the same was assigned with pending document no.43 of 2016 on the ground that the persons who had settled the property in favour of the



petitioner, had executed a Cancellation Deed dated 17.01.2014 in the office of the Joint II Sub Registrar, Thousand Lights, Chennai. Aggrieved by the same, the petitioner has filed W.P.No.33999/2016 and this Court vide order dated 22.10.2021, had allowed the Writ Petition and declared the Cancellation Deed as null and void. Pursuant to the order dated 22.10.2021, the petitioner caused notice to the respondent to cancel the entry of the Cancellation Deed in the Encumbrance and to release her pending document. However, till date, there is no entry in the revenue records with regard to the same. Hence, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondent submitted that pending Doc.No.42/2014, has been refused to register vide respondent's order dated 24.02.2017 itself and as against the said refusal order, under Section 72 of the Registration Act, the petitioner has to prefer an appeal before the District Registrar, Central Chennai, within a period of 30 days, however till date no appeal has been filed and accordingly prays for dismissal of this petition.

4.The learned counsel appearing for the petitioner submitted that though the respondent claimed that the petitioner's document was returned on 24.02.2017 itself, till date the order in that regard was not communicated to the petitioner and having not received the order, the petitioner has not preferred any appeal before the District Registrar. In the event of furnishing the said order, the petitioner will prefer appeal before the appellate authority and prays for appropriate orders in that regard.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.Though the respondent claimed that the petitioner's document was returned, however no proof has been filed to prove that the said order was communicated to the petitioner and therefore, the 30 days limitation for filing the appeal is not applicable to the present case on hand.

7.In view of the above, this Court is inclined to issue direction to the respondent to furnish the order dated 24.02.2017, to the petitioner within a period of two weeks from the date of receipt of a copy of this order and after receipt of the said order, the petitioner is at liberty to file an appeal before the District Registrar, Central Chennai, in terms of Section 72 of the Registration Act, 1908, within a period of twelve weeks from the date of receipt of a copy of this order.



8. This writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Joint II Sub Registrar,
Thousand Lights,
Chennai 600006.

+1cc to M/s.R.Thiagarayan, Advocate, S.R.No.23489

+1cc to the Government Pleader, S.R.No.23874

W.P.No.7553 of 2022

PL (CO)
RGA (26/04/2022)