



W.P.No.33443 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33443 of 2022
and W.M.P.No.32886 of 2022

Meeral Buhari

.... Petitioner

-Vs-

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

2.The Sub Registrar
District Registrar Cadre
Registration Division, North Chennai
Rajaji Salai, Chennai.

3.A.R.Farisha

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the 2nd respondent order in Na.Ka.No.8963/2022 dated 30.09.2022 and quash the same as illegal, violative and thereby directing the 2nd respondent to register the release deed P-7 of 2007 dated 27.03.2007 in a time bound period.

For Petitioner : Mr.K.Mohanamurali
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the entire records pertaining to the 2nd respondent order in Na.Ka.No.8963/2022 dated 30.09.2022 and quash the same as illegal and thereby directing the 2nd respondent to register the release deed P-7 of 2007 dated 27.03.2007 in a time bound period.

2. The petitioner claims that she has presented a document of release deed of the 3rd respondent in favour of the petitioner's late husband. The said document has so far not been registered and released by the 2nd respondent who is the registering authority. When this was insisted upon by the petitioner, the second respondent has passed an order dated 30.09.2022, wherein the following has been stated.

“பொருள் தொடர்பாக P07/2007 ஆவணம் 24.02.2022 அன்று
மறுதலித்து ஆணையிடப்பட்டது என்பதை தெரிவித்துக்
கொள்கிறேன்”

Challenging the said order, the present writ petition has been filed.



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3. Heard Mr.K.Mohanamurali, learned counsel for the petitioner who would submit that in the impugned communication dated 30.09.2022 no reason has been cited by the 2nd respondent as to why he was refusing to register the release document in question. Therefore, the order would not stand in the legal scrutiny and hence the learned counsel for the petitioner seeks the indulgence of this Court.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents who would submit that, certainly there would be a reason for rejecting to register a document. However, the same is not reflected in the communication dated 30.09.2022. For passing a revised order or better order disclosing the reason for such refusal, the matter may be remitted back to the 2nd respondent, he contended.

5. In view of the aforesaid submission made by the learned Special Government Pleader and having regard to the factual matrix of the case, this Court feels that the impugned order would not stand in the legal scrutiny as it is an one line order without disclosing any reason whatsoever for not accepting the document of the petitioner for registration. Hence, this court is inclined to dispose of this writ petition with the following order.



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- That the impugned communication dated 30.09.2022 is hereby set aside and the matter is remitted back to the 2nd respondent for reconsideration.
- While reconsidering the same, after giving an opportunity of hearing to the petitioner, if at all the 2nd respondent wants to pass an order, a reasoned order shall be passed or otherwise if the 2nd respondent feels that the document in question is a registrable document and if it is otherwise in order, the same can be registered by the 2nd respondent.
- The needful as indicated above shall be undertaken by the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

13.12.2022

Index : Yes/No
Internet : Yes/No
KST



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- To
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 - 2.The Sub Registrar
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Registration Division, North Chennai
Rajaji Salai, Chennai.



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R. SURESH KUMAR, J.

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W.P.No. 33443 of 2022

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