



W.P.No.9743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.9743 of 2024

V.B.Inder Kumar

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai,
Tamil Nadu - 600 028.

2.The Sub Registrar,
Sembium SRO,
Chennai - 600 011.

3.V.G.Rajkumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 18.01.2024 and direct the 2nd respondent to return the document in Doc.No.78/2023 registered on the file of the SRO, Sembium, forthwith to the petitioner.



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For Petitioner : Mr.S.Thiruvankadam

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 and R2

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.This Writ Petition has been filed seeking for a direction to the 2nd respondent to consider the representation of the petitioner dated 18.01.2024 and to direct the 2nd respondent to return the document in Doc.No.78/2023 registered on the file of the SRO, Sembium, forthwith.

3.The property originally owned by one Ethiraj Ammal. She has settled the property to her two daughters, namely, Thilagam and Anushiya. The document also contains preferential right of purchase by the co-owner. The petitioner is the son of Anushiya. After the death of her mother namely Anushiya, the petitioner's brother executed a settlement in respect of 1/2 share derived from his mother. When the document is presented the same is not released on the ground that there is a decree of Civil Court. The suit



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O.S.No.586 of 2013 has been filed by one Thilagam, who is the settlee, against the other co-owner not to sell the property to the third parties and that has been decreed. Be that as it may. The son of Thilagam, namely, V.G.Rajkumar, has no objection for executing 1/2 share to one of the son of Anushiya in favour of the writ petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents and perused the material available on record.

5. In such a view of the matter, when the other co-owner also expressed his no objection, there cannot be any refusal on the part of the respondents to register the documents. Hence, the 2nd respondent is directed to register the document of receiving statement or affidavit from the other legal heirs within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.



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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps

To

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No.100, Santhome High Road,
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N. SATHISH KUMAR, J.

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