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W.P. No. 28201 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.28201 of 2024

K.M.K.Arjun

..Petitioner

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road,
Chennai-600 004.

2. The District Registrar
Tambaram

3.The Sub-Registrar
Selaiyur,
Sabai Colony, Sembakkam
Chennai-600 073.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd Respondent herein to accept the Release Deed and the Power of Attorney dated 03.06.2024 presented by the petitioner without considering the protest petition issued by third parties as per the 3rd respondent's letter dated 04.09.2024 and register the said sale deed within a time to be stipulated by this Court.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar
For Respondents 1 to 3 : Mr.T.Chezhiyan
Additional Government Pleader



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ORDER

By consent of both the learned counsel appearing for the petitioners as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to 3rd respondent to accept the Release Deed and the Power of Attorney dated 03.06.2024 presented by the petitioner for registration.

3. It is the case of the petitioner that he is the co-owner of the vacant lands measuring an extent of 4.01 acres comprised in Old Survey Nos.71 & 73 Part, as per Patta No.8942 and 8943, New Survey Nos.71/6 & 73/24, Vengaivasal Village, Tambaram Taluk, Chengalpet District. The petitioner and other co-owners executed a Release Deed on 03.06.2024 in favour of petitioner's brother one K.M.K.Aatchuth. Likewise, the petitioner and other co-owners executed a Power Deed on the same day in favour of one Ganesh Kumar. Both the documents were presented for registration before the 3rd



respondent and the same were not considered on the ground that some protest petition has been filed by third parties relating to the subject property. Therefore, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the documents were presented for registration before the 3rd respondent as early as 03.06.2024. Till date, the 3rd respondent has not taken any decision either to register the documents or refuse registration. Merely because a protest petition has been filed by third parties, the 3rd respondent is not entitled to refuse registration and keep the documents pending forever.

5. The learned Additional Government Pleader, who is taking notice for the respondents 1 to 3, submits that protest petition has been received from one Rangarajan regarding the subject property. Therefore, 3rd respondent is unable to proceed with the registration of the documents.

6. Merely because a protest petition is filed by third parties, the 3rd respondent cannot keep the document pending without taking any decision.



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Therefore 3rd respondent is directed to take a decision with regard to the registration of the documents presented by the petitioners and pass orders on its' own merits within a period of two weeks from the date of receipt of copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

24.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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Chennai-600 004.

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S.SOUNTHAR, J.

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