

Nachiammal Vs. The Deputy Inspector General of Registration, Othakadai, Madurai District and Another

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Court : Chennai Madurai

Decided On : Jun-29-2016

Judge : M. Venugopal

Appeal No. : Writ Petition (MD). No. 11574 of 2016

Appellant : Nachiammal

Respondent : The Deputy Inspector General of Registration, Othakadai, Madurai District and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to release the Registered Settlement Deed executed by petitioner's husband in her favour vide document No.49 of 1985 dated 23.01.1985 within a time frame that may be fixed by this Honourable Court by considering the representation of the petitioner dated 23.05.2016.)

1. Heard both sides.
2. By consent, the main writ petition itself is taken up for final disposal.

3. According to the petitioner, the settlement deed dated 26.09.1983 (mentioned in his representation as 26.09.1983- but the correct date according to the petitioner is 23.01.1985) was registered as document No.49/1985. It appears that the said document requires payment of deficit stamp duty and the petitioner was informed that notice would be issued in this regard. But, till date, it appears that no action has been taken in the subject matter in issue, notwithstanding the fact that nearly 30 years have elapsed.

4. The petitioner in fact prays for consideration of his representation dated 23.05.2016, addressed to the Inspector General of Registration, Madurai and the Deputy Inspector General of Registration, Madurai. Consequently, the petitioner has not arrayed the Inspector General of Registration as one of the parties to the writ petition. Further, he has chosen to implead the Deputy Inspector General of Registration, Madurai. It appears that the petitioner has also not included the concerned Sub Registrar as one of the parties to the writ proceedings.

5. Considering the fact that the petitioner has not impleaded the concerned Sub-Registrar in whose office document No.49/1985 dated 23.01.1985 is pending, this Court, taking note of the present facts and circumstances of the case, in an integral manner, deems fit and proper in directing the petitioner to file a complete, comprehensive and fresh representation mentioning the correct authority to whom the same is to be addressed within a period of one week from the date of receipt of a copy of this order. If the petitioner presents a fresh petition/representation in this regard, within the time determined by this Court, then, the concerned Sub-Registrar, shall look into the said fresh representation of the petitioner and to dispose of the same in the manner known to Law and in accordance with Law, within a period of three weeks thereafter. The petitioner is directed to render her assistance and co-operation to the concerned Sub-Registrar so as to enable him to deal with the fresh representation as expeditiously as possible and in any event, within the time limit prescribed by this Court, as mentioned supra.

6. With the aforesaid observations and direction, the writ petition stands disposed of. No costs.