

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7348 of 2015

S.Jaheer Hussain

..Petitioner

Versus

1.The District Registrar,
District Registrar Office,
Tiruppur.

2.The Joint sub-Registrar-I,
Joint Sub-Registrar Office,
Tiruppur.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS directing the respondents to register and release the settlement deed dated 24.01.2015 executed by the petitioner.

For Petitioner : Mr. K.S.Karthik Raja
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr. K.K.S.Karthik Raja, learned counsel for the petitioner and Mr.R.Vijayakumar, Additional Government Pleader, accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to register and release the Settlement Deed dated 24.01.2015, executed in favour of the petitioner.

3.The petitioner's grievance is that though the document was presented by the Releasor for Registration, the 2nd respondent has refused to accept the document for registration and has not followed the procedure contemplated under the provisions of the Registration Act and the Rules framed thereunder, more particularly, Rule 55 of the Registration Rules. If a document is presented for registration before the 2nd respondent, the 2nd respondent cannot refuse to accept document for Registration. However, there cannot be a compulsion to

the 2nd respondent to register the document, if there are any valid reasons for refusing to register. Therefore, the procedure contemplated under the Act and the Rules is to accept the document for registration and if the document is in order, then the Registering Authority should register the document and release the document. On the other hand, if the Registering Authority is of the opinion that registration cannot be for any valid and legal reasons, then the Registering Authority is expected to pass a speaking order and inform the parties so as to enable them to work out their rights in the manner known to law.

4. Accordingly, there will be a direction to the 2nd respondent to accept the document, viz., the Settlement Deed dated 24.01.2015 and if there is no legal impediment from entertaining the same, he shall register and release the Settlement Deed dated 24.01.2015. However, if the 2nd respondent is of the opinion that there are legal and valid reasons to refuse registration, then the 2nd respondent shall conduct an enquiry after notice to the petitioner and after affording personal hearing and thereafter, pass reasoned order on merits and in accordance with law. The above direction shall be complied within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Registrar,
District Registrar Office,
Tiruppur.

2. The Joint sub-Registrar-I,
Joint Sub-Registrar Office,
Tiruppur.

+ 1 cc to M/s. K.S.Karthik Raja, Advocate SR.14806

+ 1 cc Government Pleader Sr.15158

RK(CO)

EU 24.03.2015

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