

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35401 of 2015

E.Nandagopal

... Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028.

2. The Sub Registrar,
Mylam, Tindivanam,
Villupuram District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus calling for the records and order in check slip dated 14.09.2015 issued to the petitioner and quashing the same and directing the second respondent to register the Settlement Deed dated 10.09.2015 if it is otherwise in order.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition seeking a writ of Certiorarified Mandamus to call for the records and order in check slip dated 14.09.2015, issued to the petitioner and quash the same and also to direct the second respondent to register the Settlement Deed, dated 10.09.2015, if it is otherwise in order.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents

3. It is the case of the petitioner that the property mentioned in S.No.81/19, (Old S.Nos.1246A, 6B, 7) Aruvapakkam Village, Vanur Taluk, Tindivanam, Villupuram District originally belonged to one Raghavan and after his death, the same was inherited by his wife Annapoorani. The petitioner was her elder brother's son. The petitioner was taking care of the said Annapoorani and the said Raghavan. They had no issues. Hence, the said Annapoorani during her life time executed a Will bequathing the above said property in the name of the petitioner. Later, the petitioner herein executed a Settlement Deed on 10.09.2015, in favour of his wife. When the petitioner produced the said Settlement Deed, with the second respondent for registration, he returned the document along with a check slip. In the check slip, it has been stated that in the legal heir certificate produced by the petitioner the relationship of the petitioner with the said Annapoorani was mentioned as if he is the son of the elder brother of the Annapoornai. Hence, he was directed to represent the document along with other documents to establish his right over the property.

4. The main contentions raised by the learned counsel for the petitioner is that when the Petitioner has produced the Will executed by the said Annapoorani, the Registrar ought to have registered the settlement deed based on the Will executed by the Annapoorani in his favour.

5. Learned Special Government Pleader appearing for the respondents would submit that except the unregistered Will, the petitioner had not produced any other document to establish his right over the property. If any other relevant document is produced before the respondents, the respondents will consider the said document and if the said document is satisfactory the respondent will register the settlement deed.

6. Learned counsel for the petitioner also agreed to produce the relevant documents before the respondents.

7. In view of the above, this Writ petition is disposed of with the direction to the petitioner to produce all the relevant documents to establish his right over the property before the respondents forthwith and on receipt of the same, the respondents are hereby directed to pass appropriate orders with regard to the registration of settlement deed executed by the petitioner in favour of his wife, within a period of six weeks thereafter.

8. It is also made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents to decide the claim of the

petitioner purely on merits and in accordance with law without being influenced by any of the observations made by this Court.
No costs.

smi

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

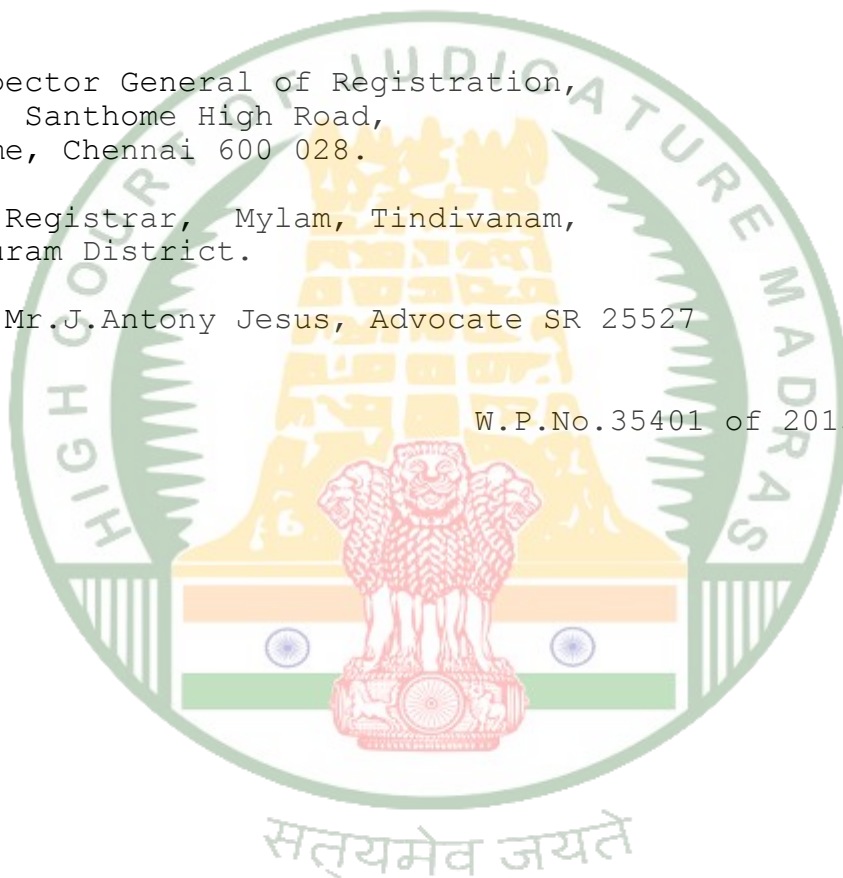
1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600 028.

2.The Sub Registrar, Mylam, Tindivanam,
Villupuram District.

+ 1 cc to Mr.J.Antony Jesus, Advocate SR 25527

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