



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18194 of 2015

S.Jeevarathinam

... Petitioner

Vs.

1.The District Registrar (Stamps and Registration)  
District Registrar Office, Tiruchirappalli.

2.The Sub Registrar, Joint II SRO  
District Registrar Office,  
Court Campus,  
Birds Road, Cantonment,  
Tiruchirappalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 27-08-2015 and pass appropriate orders and release the original settlement deed in Document No. 1570/ 2015 dated 18.03.2015 registered with his office within a stipulated time fixed by this Hon'ble Court.

For Petitioner

: Mr.D.Nallathambi

For Respondents

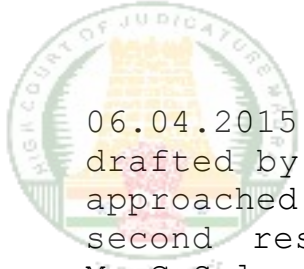
: Mr.N.S.Karthikeyan

Additional Govt. Pleader

### ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the 2nd respondent herein to consider his representation dated 27-08-2015 and pass appropriate orders and release the original settlement deed in Document No. 1570/ 2015 dated 18.03.2015.

2.According to the petitioner, the property covered under the settlement deed was originally belonged to one Jelayalakshmi and by way of settlement deed dated 04.05.2005, she settled the property in favour of the petitioner's brother one S.Shanmugam. Subsequently, the petitioner's brother executed another settlement deed dated 18.03.2015 in respect of the above said property in favour of the petitioner. The said document was registered on



06.04.2015 before the second respondent. The above document was drafted by one advocate namely Mr.C.Selvaraj. When the petitioner approached the second respondent to return the document, the second respondent informed that the scribe of the document Mr.C.Selvaraj had orally objected to release the document and also directed the petitioner to produce the receipt of registration for return of original document, but the above said receipt is with the above said Mr.C.Selvaraj and he is demanding a heavy amount and also threatening them stating that he will not allow the petitioner to get back the original document. In the above circumstances, the present writ petition has been filed.

3.The learned Additional Government Pleader appearing for the respondents submitted that since the petitioner has already given authorization to the above said Mr.C.Selvaraj, the second respondent is not in a position to return the document to the petitioner. Admittedly, the petitioner is the beneficiary of the document and his brother presented the document for registration.

4.Heard the submissions made on either side and carefully perused the documents.

5.Considering the above submissions, this Court is of the view that since the petitioner has authorized one advocate to receive the receipt of registration and the document was presented only by the petitioner's brother before the second respondent and the petitioner is the beneficiary of the above said settlement deed, both the petitioner and his brother S.Shanmugam are directed to appear before the second respondent and file a petition to revoke the above said authorization, thereafter, make a request before the second respondent to return the original settlement deed. In the event of filing such petition for revoking the authorization, the second respondent/Sub Registrar, Joint II SRO, Cantonment, Tiruchirappalli is directed to consider the same and return the document to the petitioner and his brother, after making necessary entries in the document.

6.Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

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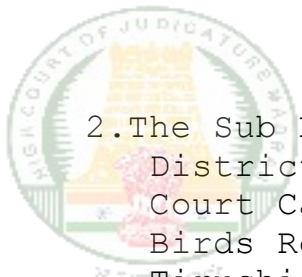
Sub Assistant Registrar

vs

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The District Registrar (Stamps and Registration)  
District Registrar Office, Tiruchirappalli.



2.The Sub Registrar, Joint II SRO  
District Registrar Office,  
Court Campus,  
Birds Road, Cantonment,  
Tiruchirappalli.

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+1cc to Mr.D.Nallathambi Advocate Sr.No. 61341

+1cc to Spl.Government Pleader Sr.No. 62301

JAM/10.11.16/SKS-RR/3p-5c

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**18.10.2016**