

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :10.08.2018
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
WP.No.5428 of 2017
and
M.P.No.5749 of 2017

Mr.Sushil Lalwani

..Petitioner

vs

1. The Sub Registrar, Thiruporur
Sub Registrar Office, Thiruporur.

2.Mrs.Diana Rexine

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent (SRO Thiruporur) to register the settlement deed executed by the petitioner to and in favour of his mother Nirmala Kumari pertaining to the property at 'Survey No.53/16, Paimash No.163/3B/1 in Thazhambur Village, Chengalpet Taluk, Kancheepuram District, Chennai South Registration District, Thiruporur Sub Registration District, Thiruporur Panchayat Union Limits, admeasuring an extent of Acres Nil 24 Cents'.

For Petitioner : Mr.V.P.Aravind for Mr.K.P.Sanjeevkumar.

For Respondents : Mr.P.P.Purushothaman
Government Advocate for R1.
Mr.A.Thiyagarajan, Senior Counsel
for Mr.S.Ramesh Kumar for R2.

O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent (SRO) to register the Settlement Deed executed by the petitioner in favour of his mother Nirmala Kumari pertaining to the property at Survey No.53/16, Paimash No.163/3B/1 in Thazhambur Village, Chengalpet Taluk, Kancheepuram District, Chennai South Registration District, Thiruporur Sub Registration District, Thiruporur Panchayat Union Limits, admeasuring an extent of Acres Nil 24 Cents.

2. The grievance of the writ petitioner is that the 1st respondent, Sub Registrar Office, Thiruporur is refusing to register the Settlement Deed presented by the writ petitioner in favour of his mother viz., Nirmal Kumari in respect of the property prescribed in the writ petition.

3. The learned Senior Counsel appearing on behalf of the 2nd respondent states that the 2nd respondent is the owner of the property in question and the writ petitioner has no locus standi to register any Settlement Deed, if at all presented before the 1st respondent.

4. This Court directed the Additional Government Pleader to verify whether any such instrument was presented by the writ petitioner before the Sub Registrar Office, Thiruporur. The learned Additional Government Pleader on instructions today made a submission that no such document was presented before the Sub Registrar, Thiruporur by the writ petitioner for execution of the Settlement Deed.

5. Under these circumstances, this Court is of an opinion that if at all, there is dispute exist between the writ petitioner and the 2nd respondent, the writ petitioner is at liberty to approach the competent Civil Court of law for adjudication of the title, ownership or possession. However, the complex nature of facts and circumstances cannot be gone into by this Court in writ jurisdiction under Article 226 of the Constitution of India.

6. On a perusal of the entire facts, it seems that there is dispute between the petitioner and the 2nd respondent. It is to be resolved only before the competent Civil Court of law and not in a writ jurisdiction. This apart, the writ petitioner has not even presented any instrument of Settlement Deed before the 2nd respondent / Sub Registrar, Thiruporu for registration. This being the factum of the case, the relief as such sought for cannot be granted and it is left open to the writ petitioner to redress his grievance in the manner known to law.

7. In this view of the matter, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

sk

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To
The Sub Registrar, Thiruporur
Sub Registrar Office, Thiruporur.

+1cc to M/s.OJAS Law Firm, Advocate SR.NO.54979
+1cc to Government Pleader SR.NO.55329
+1cc to M/s.S.Rameshkumar, Advocate SR.NO.55214

SJ(CO)
sm:10.9.2018

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