

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.564 of 2018
and
WMP.No.698 of 2018

P.Alalasundaram

S/o.Late Pachayappa Mudaliar

.. Petitioner

Vs.

1. The Inspector General of Registration
Rajaji Salai,
Santhome, Chennai.

2. The Sub Registrar Joint 2
The Sub Registrar Office
Tiruvettipuram, Cheyyar - 604 407.
Thiruvannamalai District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to receive and admit and register the Settlement Deed dated 08.11.2017 executed by the petitioner in favour of his son A.Venkatesan and release the document after completing the registration formalities, to the petitioner.

For Petitioner : Mr.N.Nagu Sah

For Respondents : Mr.K.S.Suresh

Government Advocate for R1 & R2

सत्यमेव जयते
O R D E R

Mr.K.S.Suresh, learned Government Advocate takes notice for the respondents and seeks time to get instructions. However, this Court is not inclined to adjourn the matter for getting instructions from the second respondent, as this Court is of the view that this writ petition can be disposed of, without affecting the interest of the respondents in any manner.

2. The petitioner, as the father executed a Settlement Deed in favour of his son namely A.Venkatesan on 08.11.2017. When the petitioner presented the said document before the second respondent for registration, it is stated, the second respondent refused to receive the same and register it in accordance with

law. Therefore, the petitioner approached this Court and filed the present writ petition, seeking for mandamus directing the second respondent to receive, admit and register the Settlement Deed dated 08.11.2017.

3. Upon hearing the learned counsel for the petitioner and on perusing a copy of the settlement deed filed in the typed set of papers, it is seen that the petitioner has settled the subject matter property in favour of his son, by way of the settlement deed dated 08.11.2017. When the said document is sought to be registered, it appears that the second respondent has not received the same, without assigning any reason in writing.

4. Needless to say that when a document is presented before the registering authority for registration, it is for the said authority to receive it and either register the same, if there is no legal impediment for doing so or return the document to the person, who presented the same, by issuing a check slip indicating the reason for returning the document. Without doing either of these two things, the second respondent is not entitled to say anything orally and refuse to receive the document. Therefore, without expressing any view on the merits of the claim made by the petitioner with regard to the registration of the document namely the Settlement Deed dated 08.11.2017, this writ petition is disposed of, only by issuing a direction to the second respondent to receive the said document and pass orders on merits and in accordance with law, within a period of two weeks from the date of presentation of the said document. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

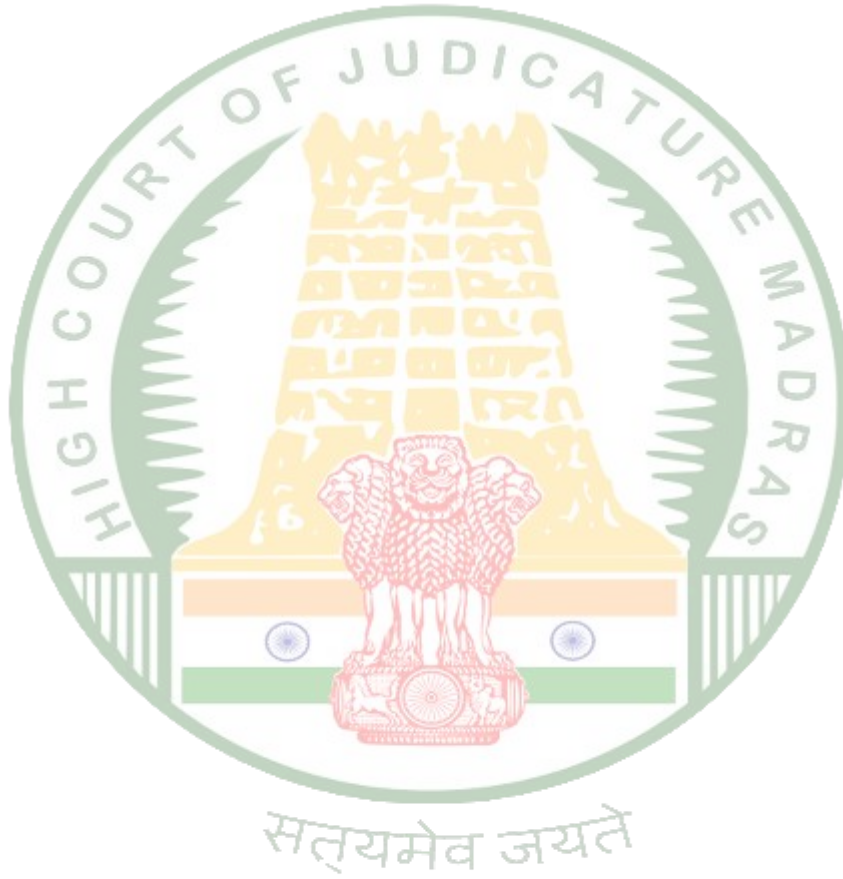
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Thiruvannamalai District.

+1cc to Mr.N.Nagusha, Advocate SR.No.2468
+1cc to Government Pleader Sr.No.2972

sm:17.1.2018

W.P.No.564 of 2018



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