

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018
CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31114 of 2018
and
WMP.No.36303 of 2018

1.P.Alalasundaram
2.Anjalatchi

... Petitioners

Versus

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

2.The Sub Registrar Joint 1,
The Cheyyar Sub Registrar Office,
Cheyyar 604 407,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, or any other appropriate Writ, Direction or Order Directing the 2nd Respondent to receive, admit and register the Settlement Deed dated 28/8/2018 executed by the petitioners in favour of their son Mr.A.Venkatesan and release the document after completing the registration formalities to the petitioners.

For Petitioner : Mr.N. Nagu Sah
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The Writ petition is filed seeking a mandamus directing the second respondent Sub-Registrar to receive, admit and register the settlement deed dated 28.08.2018 executed by the petitioners in favour of their son A.Venkatesan and release the same, after completing the registration formalities.

2. According to the petitioners, the second respondent neither registered the document nor returned the same.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing on behalf of the respondents.

4. The petitioners are the parents of one A.Venkatesan and certain properties were settled in his favour as per the settlement deed dated 28.08.2018. When the petitioners presented the said document before the second respondent for registration, he refused to receive and register the same in accordance with law and has not returned the documents with the check slip. Therefore, the petitioners have approached this Court and filed the present writ petition.

5. The learned counsel for the respondents submitted that the petitioners had not produced the document supporting their title for seeking the transfer of the property in favour of their son.

6. Once the supporting documents are filed and if there are no legal impediments for registering the settlement deed, the second respondent has to register the same and if there is any legal issue, the second respondent shall issue a check slip indicating the reason for not registering the document. The second respondent has no authority to retain the document. Hence, without expressing any view on the merits of the claim made by the petitioner with regard to the registration of the settlement deed dated 28.08.2018, the writ petition is disposed of with a direction to the second respondent to receive the said document along with the supporting documents for verification and either register and return the same or pass orders on merits in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsn/bri

To

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

2.The Sub Registrar Joint 1,
The Cheyyar Sub Registrar Office,
Cheyyar 604 407,
Thiruvannamalai District.

+lcc to Mr. N. Nagu Sah, Advocate SR.No. 80343

+1 CC TO GOVERNMENT PLEADER SR.NO. 81331

W.P.No.31114 of 2018

ASK(29/11/2018)