



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5448 of 2018

and

W.M.P. (MD) No.5382 of 2018

K.M.Ravichandran

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the impugned refusal order passed by the 2nd respondent dated 23.02.2018 in Serial No.1 and consequently direct the 2nd respondent to register the petitioner's settlement deed dated 23.11.2017 pending in application number SO1SR11CR201711230007715.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.N.Shanmugaselvan

Additional Government Pleader.

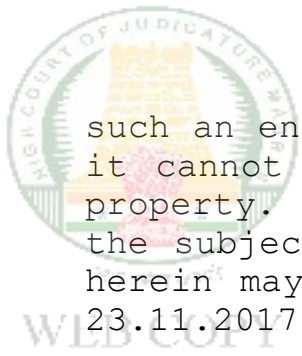
ORDER

Heard Mr.A.Balaji, learned counsel appearing for the petitioner and Mr.N.Shanmugaselvan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.Though the petitioner had executed a settlement deed, dated 23.11.2017, the same has been kept pending by the second respondent herein on the ground that the subject property covered under the settlement deed, has been shown as a charge created in the recital. The sale deed No.2421/2013 dated 21.07.2003 executed by the mother of the petitioner herein, is concerning over some other properties. Challenging the said reasoning, the present writ petition has been filed.

4.On a perusal of the recital of the sale deed No.2421/2013 dated 21.07.2003, it is seen that the vendor had stated that there are no encumbrances in the property conveyed under the sale deed dated 21.07.2003 and that in case of any encumbrance, the present subject property shall be utilized for the purpose of releasing



such an encumbrance. From the wordings of the above said recital, it cannot be said that a charge has been created on the present property. Such recital cannot be deemed as an encumbrance over the subject property. While that being so, the second respondent herein may not be justified in keeping the settlement deed dated 23.11.2017, pending on this ground.

5. In the result, the endorsement dated 2.03.2018 in Serial No.1, by the second respondent is quashed. Consequently, the second respondent is directed to register the petitioner's settlement deed, pending in application No.S01SR11CR201711230007715, it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is allowed. No costs. Consequently, W.M.P.(MD)No.5382 of 2018 is closed.

Sd/

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2. The Sub Registrar,
Rajapalayam,
Virudhunagar District.

+1cc to Mr.A.BALAJI, Advocate, SR.No.61984

W.P. (MD) No.5448 of 2018
18.04.2018

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KK/SV MMS/15.05.2018/SAR-1/2P-4C