

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2019

Coram :

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

W.P.No.1900 of 2018

S.Gowthaman

.. Petitioner

Vs

The Sub Registrar,
Pammal, Chennai-75.

.. Respondent

Prayer : Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to receive and register the settlement deed dated 23.01.2018 presented by the petitioner in respect of the properties in Gramanatham S.No.109/1-3315 Sq.ft. out of 17.25 acres, Door No.2/3, Anna Main Road, Cowl Bazaar, Alandhur Taluk, Chennai-74, before the respondent in accordance with the provisions of Indian Registration Act and also release the same.

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For Petitioner : Mr.N.Suresh

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

The prayer of the petitioner to direct the respondent to receive and register the settlement deed dated 23.01.2018 in accordance with the provisions of Indian Registration Act and also release the same.

2. According to the petitioner, he has been in possession and enjoyment of the petition mentioned property, which has been classified as gramanatham, for more than 25 years. He has been assessed with the property and given electricity supply and even the revenue records reflect his name. He is having Voter ID and Aadhar Card with respect to the said property. The petitioner executed a settlement deed on 23.01.2018 in favour of his wife settling the property. When it is presented for registration on the same day, on payment of required stamp duty, the respondent returned the same without even

entertaining the same. Hence, the petitioner is before this Court.

3. Learned counsel for the petitioner submitted that the petitioner has been in possession and occupation of the subject land for more than 25 years and as such he got every right over the land by way of adverse possession and accordingly, he is entitled to execute the settlement deed in favour of his wife. It is his further submission that as per Rule 55 of the Registration Rules, the respondent or any registering authority has no role to verify the ownership of the property and they have to register the document, when it is presented by following the procedure contemplated under the Registration Act, 1908.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondent.

5. Admittedly, the petitioner has been in possession and enjoyment of the property, which is classified as gramamatham. He produced a certificate dated 23.11.2017 issued by the concerned Village Administrative Officer to substantiate the classification.

6. At this juncture, it is relevant to note that a learned Single Judge of this Court in W.P.No.16521 of 2014 passed the following order :

"2. The law is quite settled that the gramamatham is not a Government Poramboke land. The Certificate issued by the V.A.O shows that house has been constructed over the said land. What the petitioner has conveyed is a settlement by him to his son. The respondent cannot delve much into the title as a mere registration will not give such status.

3. In view of the same, this Writ Petition is allowed and the respondent is directed to receive and register the document to be produced by the petitioner subject to the payment of requisite stamp duty. ..."

7. Following the aforesaid order, a similar direction was passed by this Court in W.P.No.14682 of 2016 on 21.04.2016.

8. In such view of the matter, this writ petition is allowed and the respondent is directed to receive and register the document to be produced by the petitioner with respect to the petition mentioned property, subject to the

payment of requisite stamp duty, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Pammal, Chennai-75.

+2ccs to Mr. N.Suresh, Advocate SR.No. 4720,4187
+1 CC TO GOVERNMENT PLEADER SR.NO. 4548

WP.No.1900 of 2018

A.SK(19/02/2019)