

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.26385 of 2019

1.Akilandeswari
2.Kala

.. Petitioners

/versus/

The Sub Registrar,
Sub Registrar Office,
Mettur,
Salem District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus calling for the records relating to the order of the refusal check slip RFL/Mettur/30/2019 dated 28.06.2019 on the file of the respondent quash the same and direct the respondent to register the sale deed document dated 28.06.2019 which was presented before the respondent dated 28.06.2019 within stipulated time may be fixed by this court.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.T.M.Pappiah, Spl.GP

O R D E R

Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondent.

2. The grievance of the petitioners is that the Sub Registrar, Mettur has kept pending the documents presented by the petitioners herein for the reason that settlement deed through which the petitioner claims right is a conditional settlement, wherein, the 1st petitioner will be entitled to get the property only after she marry and bear a child. The Sub Registrar, Mettur has returned the documents to produce birth certificate of the child born to Akilandeswari. To ascertain whether the condition in the settlement deed is satisfied or not. Challenging the said order the writ petition is filed.

3. This Court finds no error in the order passed by the Sub Registrar. If in the deed of conditional settlement to be acted upon, the settlee has to show the fulfillment of the condition to alienate the property. Unless the condition imposed is against the public policy. Then same has to be established in the appropriate Court of law and establish the absolute title. As far as the Registration department is concerned, if the executant does not have a perfect title, they have right to reject the documents.

4. In the result, the writ petition is dismissed. No costs.
rpl

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Sub Registrar,
Sub Registrar Office,
Mettur,
Salem District.

+1cc to Mr.M.Senthil Kumar, Advocate, SR.No.77427

+1cc to the Govt.Pleader, Vide Sr.No.78102

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Kak(10/10/2019)

सत्यमेव जयते

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