

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.04.2019****CORAM:****THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN****W.P. (MD) No. 8522 of 2019****and****W.M.P. (MD) No. 6663 of 2019**

C.Sathia Kumar

... Petitioner

Vs.

The Sub Registrar,
Palliyadi Sub-Registrar Office,
Palliyadi Post,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the respondent dated 03.04.2019 and quash the same and consequently, directing the respondent to register the document viz., mortgage deed dated 05.03.2019 and thereafter release the document.

For Petitioner

:Mr.M.P.Senthil

For Respondent

:Mr.M.Murugan
Government Advocate**ORDER**

The writ petitioner was gifted with the subject property by his father Sellappan vide a registered settlement deed dated 05.11.2002. Subsequently, the relationship between the writ petitioner and his father appears to have come under strain. He therefore executed a unilateral deed of cancellation dated 08.08.2010. The writ petitioner now wants to mortgage the property in question on the strength of the settlement deed dated 05.11.2002 r/w rectification deed dated 03.01.2019. The respondent however declined to register the mortgage deed executed by the writ petitioner. The respondent had also issued proceedings to this effect. They are under challenge in this writ petition principally on the ground that even though the settlement deed dated 05.11.2002 was unilaterally cancelled by his father, there was a subsequent compromise entered into between the two in O.S No.317 of 2010 on the file of the District Munsif Court, Kuzhithurai.

2.The learned counsel appearing for the respondent submitted <https://hcservices.ecourts.gov.in/hcservices/> that the unilateral deed dated 08.08.2010 though unilateral in nature, has not been set aside in the manner known to law.



3. I am of the view that the situation can be overcome by registering the compromise decree dated 01.12.2011 made in O.S No.317 of 2010 on the file of the District Munsif Court, Kuzhithurai. The petitioner's counsel states that the writ petitioner would present the certified copy of the said compromise decree before the respondent. The respondent is directed to register the said compromise decree. The respondent will not refuse to register the compromise decree by citing limitation as set out in Section 23 of the Registration Act. Once the compromise decree is registered as directed by this Court, there cannot be any impediment for registering the petition mentioned mortgage deed.

4. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

To

The Sub Registrar,
Palliyadi Sub-Registrar Office,
Palliyadi Post, Kanyakumari District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-65021[F] dated 02/05/2019)

+1 CC to M/s.SPL GP (SR-65110[F] dated 02/05/2019)

W.P. (MD) No.8522 of 2019
and
W.M.P. (MD) No.6663 of 2019
30.04.2019

CS: (04/06/2019) 2P 4C