



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.20495 of 2019

and

W.M.P(MD) .No.17137 of 2019

R.Pratheeeba

... Petitioner

/Vs./

1. The District Registrar,
Kanyakumari District,
I Joint Registrar Office,
Near PWD Office,
Nagercoil 629 001.

2. The Joint Registrar (I),
Kanyakumari District,
I Joint Registrar Office,
Near PWD Office,
Nagercoil-629 001.

3.Preethi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order ref:No.4082/U1/2019 dated 14.08.2019 issued by the second respondent and quash the same as illegal.

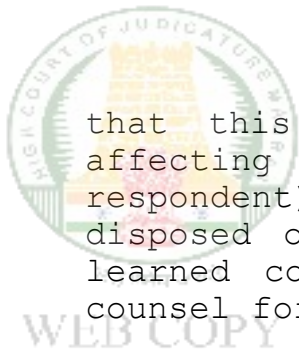
For Petitioner : Mr.P.Murali

For Respondents : Mr.M.Murugan (for R1 & R2)
Government Advocate

ORDER

Mr.P.Murali, learned counsel on record and Mr.M.Murugan, learned Government Advocate for respondents 1 and 2 (official respondents) are before this Court.

2.From the trajectory of the hearing today, it comes to light
<https://hcservices.ecourts.gov.in/hcservices/>



that this writ petition can be disposed of without adversely affecting in any manner rights of the third respondent (private respondent). Therefore, this main writ petition is now being disposed of with consent of learned counsel on both sides i.e., learned counsel on record for writ petitioner and learned State counsel for respondents 1 and 2.

3. Subject matter of instant writ petition is a settlement deed dated 07.06.2019 presented for registration in the office of the second respondent (jurisdictional Joint Registrar) on the same day i.e., 07.06.2019.

4. There is no disputation or disagreement that the writ petitioner and the third respondent who this Court is informed are siblings as well as settlors in the settlement deed and the settlee is their mother one R. Jayanthi.

5. On instructions, it is submitted that the third respondent, who is a co-executor and co-settlor qua aforesaid settlement deed has taken return of the document, which was returned by the second respondent. It is submitted that second respondent returned the document and the return has been taken by the third respondent on 04.09.2019.

6. Now that the document has been taken back by one of the co-executants without registration, it is open to the writ petitioner and the third respondent to re-present the settlement deed and seek registration, if it is permissible in law. All questions in this regard are left open. Question as to whether the second respondent was right in returning the document without registration vide impugned order dated 14.08.2019, wherein reference No.0482/C1/2019 is also left open as this Court is not expressing any opinion/view on merits owing to a co-executant having taken return of the document.

7. Instant Writ Petition is disposed of recording the aforesaid trajectory qua registration. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The District Registrar,
Kanyakumari District,
I Joint Registrar Office,
Near PWD Office,
Nagercoil 629 001.

2. The Joint Registrar (I),
Kanyakumari District,
I Joint Registrar Office,
Near PWD Office,
Nagercoil-629 001.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-89379[F] dated 25/09/2019)

+1 CC to M/s.P.MURALI, Advocate (SR-89458[F] dated 26/09/2019)

Order made in
W.P(MD)No.20495 of 2019
Dated:24.09.2019

TK (14.10.2019) 3P 5C