

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.7312 OF 2018

Amrish

... Petitioner

vs.

1. The Inspector General of Registration,
Mylapore, Chennai.

2. The Sub-Registrar,
Pappireddipatti,
Dharmapuri District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to register the settlement deed dated 08.03.2018 returned on 14.03.2018 executed by petitioner's mother in favour of petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd respondent to register the settlement deed dated 08.03.2018 executed in favour of the petitioner by his mother.

2. Heard Mr.K.Thiruvengadam, learned counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents.

3.It is clear from the submissions made on either side and the materials available on record read along with the counter affidavit filed by the 2nd respondent that, the 2nd respondent did not register the settlement deed on the ground that the mother of the petitioner claims right in the property by virtue of an unregistered will. It is further contended on behalf of

the 2nd respondent that the unregistered will makes reference to a partition through which the property was allotted to the father of the petitioner and even this partition deed was not furnished at the time of registration.

4.The learned counsel appearing on behalf of the petitioner submitted that the partition was not registered and the partition was acted upon by the family members and the subject property was allotted in favour of the father of the petitioner. He had executed a will in favour of his wife. This property is now sought to be settled in favour of the petitioner. The learned counsel submitted that since, there is no third party right involved in this case, the 2nd respondent can be directed to receive the settlement deed and register the same.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the mother of the petitioner wants to settle the property in favour of her son and there is no serious third party rights involved in this case, there shall be a direction to the 2nd respondent to receive the settlement deed executed by the mother of the petitioner and register the same, if it is otherwise in order. It goes without saying that the necessary stamp duty and registration fees will have to be paid at the time of registration.

6.This writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector General of Registration,
Mylapore, Chennai.
2. The Sub-Registrar,
Pappireddipatti,
Dharmapuri District.

W.P.No.7312 of 2018

VSNII (CO)
CS/21/07/2020