

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.16686 of 2018

E.Thiruvengadam

...Petitioner

Vs

The Sub Registrar,
Sub Registrar Office,
Sowcarpet,
Chennai

... Respondent

PRAYER Writ Petition filed under Article 226 of The Constitution of India, to issue Writ of Mandamus directing the respondent to register the settlement Deed dated 22.03.2018 in favour of my fifth son T.Subramani in respect of house property New No.35, Old No.16 Sadayepa Street, Seven Wells, Chennai-600 001 as per the petitioner's representation dated 22.03.2018.

For Petitioner : Mr.M.Thamihavel

For Respondent : Mr.T.M.Pappaiah Dharmarajan

ORDER

The petitioner is 89 years old. He has come before this Court in the nature of mandamus seeking direction to the respondent, namely the Sub Registrar, Sowcarpet, Chennai, to register a settlement deed with respect to the property New No.35, Old No.16 Sadayepa Street, Seven Wells, Chennai-600 001, in favour of his fifth son T.Subramani. In this regard, the petitioner had given a representation dated 22.03.2018, but there was no response from the respondent. The petitioner had therefore filed the present Writ Petition.

2. It is seen that the petitioner has been residing in the said premises and had inherited the same from his paternal grand mother M.Muthammal, who had executed a Settlement Deed on 30.11.1925 vide document No.1393 in favour of the petitioner's father late Elumalai. The said document does not include the land. The petitioner's father had died on 19.04.1966. The petitioner claims to be in continuous possession of the

property. When he wanted to execute a settlement deed, the respondent have insisted for a patta. It is stated that the petitioner is executing the deed only for the infrastructure and not for the land. Consequently, the petitioner had sent a representation to the respondent on 22.03.2018.

3. Taking into account the long possession of the petitioner and the fact that there is a document of the year 1925, the Sub Registrar may register the settlement deed presented by the petitioner with respect to the house property alone and the petitioner may also comply with any other conditions imposed by the Sub Registrar to that extent.

4. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

sbn

To

The Sub Registrar,
Sub Registrar Office,
Sowcarpet,
Chennai.

+lcc to Mr.M.Thamizhavel, Advocate, SR.No.2298.
+lcc to Government Pleader, SR.No.3210

PP (CO)
CSR 06.02.2020

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