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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.33069 OF 2013

AND

M.P.NO 1 AND 2 OF 2013

R.Bhageerathi

... Petitioner

-Vs-

1. The District Registrar,
(Administration)
South Madras,
(In the cadre of Assistant Inspector
General)
Saidapet, Chennai - 600 015.

2. The Sub Registrar,
Office of the Sub Registrar,
Velachery, Chennai - 600042.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.06.2013 passed by the second respondent and the consequential order dated 19.08.2013 Ref.No.8757/Aa1/2013 passed by the first respondent and quash the same and consequently direct the respondents authorities to register the Deed of Settlement executed by the petitioner and her children in favour of the petitioner's son R.Rajagopalan, dated 05.06.2013 and accepted for registration as Document No.P.22/2013 in the office of the second respondent.



For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.Richardson Wilson
Government Advocate.

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ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.06.2013 passed by the second respondent and the consequential order dated 19.08.2013 Ref.No.8757/Aa1/2013 passed by the first respondent and quash the same and consequently direct the respondents authorities to register the Deed of Settlement executed by the petitioner and her children in favour of the petitioner's son R.Rajagopalan, dated 05.06.2013 and accepted for registration as Document No.P.22/2013 in the office of the second respondent.

2. Heard Mr.S.Thanka sivan, learned counsel appearing for the petitioner and Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

3. The property comprised in Survey No.151, ad-measuring Ac.01-08 cents, situated at Velachery Village was originally owned by the petitioner's husband. He derived title over the property by way of the Will executed by his mother dated 05.10.1976. The said property was purchased by the petitioner's husband's mother by a registered sale deed dated 05.04.1964, vide Document No.2191 of 1964. Therefore, after the demise of the petitioner's husband, the petitioner and her children inherited the said property as his legal heirs. Due to family circumstances, the petitioner and her children jointly executed a Deed of Settlement dated 05.06.2013 in favour of one of her son i.e., R.Rajagopalan. It was presented for registration before the second respondent on 05.06.2013 and it was kept pending as P.No.22 of 2013 for the reason that the said land was sold out to so many persons and there are encumbrances.

4. Therefore, the petitioner was directed to approach the Court for appropriate relief. However, the petitioner filed an appeal before the first respondent and the first respondent rejected the appeal for the reason that the petitioner failed to



produce patta for the subject land while presenting the Document of Settlement deed for registration.

5. Therefore, this Court finds no infirmity or illegality in the orders passed by the respondents herein. Hence, the writ petition is devoid of merits. However, the petitioner is at liberty to produce the patta before the registering authority in respect of the subject land and on receipt of the same the second respondent is directed to register the same. It is also made clear that the petitioner is always at liberty to approach the Civil Court for appropriate relief in respect of the subject land.

6. In view of the above, the writ petition stands dismissed. Consequently connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

Lpp/mn

To

1. The District Registrar,
(Administration)
South Madras,
(In the cadre of Assistant Inspector General)
Saidapet, Chennai - 600 015.
2. The Sub Registrar,
Office of the Sub Registrar,
Velachery, Chennai - 600042.

+1cc to the Government Pleader, S.R.No.55070

W.P.No.33069 of 2013
and M.P.No 1 and 2 of 2013

RLD(C0)
RLP(15/11/2021)