



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20677 of 2021

Tulukanam Naicker

... Petitioner

-Vs-

The Sub-Registrar,
Registration Department,
Office of the Sub-Registrar,
Neelankarai,
Chennai.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to register the Settlement Deed executed by the petitioner in favour of his Son Mr.Dhanasekaran presented before the respondent without insisting on the production of the Computerized patta, considering the manual patta book issued in the name of the petitioner in view of the representation of the petitioner dated 03.09.2021.

For Petitioner : Mr.J.Ashok

For Respondent : Mr.A.Selvendran
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondent herein to register the Settlement Deed executed by the petitioner in favour of his Son Mr.Dhanasekaran presented before the respondent without insisting on the production of the Computerized patta, considering the manual patta book issued in the name of the petitioner in view of the representation of the petitioner dated 03.09.2021.

2. Heard Mr.J.Ashok, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondent.



3. The land comprised in Survey No. 144/A to an extent of 69 cents under Patta No.395, situated at Sholinganallur Village, Saidapet Taluk, Chengalpattu District was originally purchased by one Rajammal, who is non other than the paternal aunt of the petitioner, by the registered sale deed dated 25.03.1937 registered vide Document No.526 of 1937. She bequeathed the property in favour of his brother i.e. petitioner's father by the Will dated 24.03.1969. After the demise of the petitioner's father, the petitioner is being the sole survivor and he inherited the said property. In turn, the petitioner executed a settlement deed in respect of the said property in favour of his son, dated 01.04.2016 and presented for registration.

4. While presenting the settlement deed, the petitioner also produced a certified copy of the sale deed, dated 25.03.1937 executed in favour of the petitioner's aunt Rajammal, the Will dated 24.03.1969, death certificate of his father, legal heirship Certificate issued by the Revenue Department and the adangal stood in the name of the petitioner. However, the same was kept pending and as such the petitioner filed a writ petition before this Court in W.P.No.15586 of 2016 and this Court, by an order dated 26.04.2016 directed the respondent to consider the representation of the petitioner and pass order to register the same.

5. However, the respondents insisted the petitioner to produce the original computerized Patta for the subject property for registration. The petitioner produced the manual Patta issued in favour of the petitioner under Patta No.395 for the subject property. Even then the respondent refused to accept the same for registration.

6. Considering the above, the respondent is directed to verify the genuineness of the original Patta which was produced for registration of his settlement deed, Patta No.395 and register the settlement deed executed by the petitioner dated 01.04.2016 in favour of his son and release the same within a period of four weeks from the date of receipt of a copy of this order, subject to its genuineness.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

The Sub-Registrar,
Registration Department,
Office of the Sub-Registrar,
Neelankarai,
Chennai.

+lcc to Mr.J.Ashok, Advocate Sr No.58932
+lcc to the Government Pleader Sr No.59761

W.P.No.20677 of 2021

NRL (CO)
PR (03/12/2021)