



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO. 23647 OF 2021

AND

W.M.P. NO.24896 OF 2021

S. Subashini,

... Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome, Chennai - 600 028.

2. The District Registrar (Administration),
Deputy Inspector General,
Vellore, Vellore District.

2. The Joint I Sub-Registrar,
District Registrar Grade,
Vellore - 632 001.

... Respondents

PRAYER:

This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Check Slip No.04/2021 dated 13.09.2021 passed by the 3rd respondent herein and quash the same and consequently direct the 3rd respondent to register the gift settlement deed dated 13.09.2021 executed by the petitioner herein within a stipulated time period as fixed by this Hon'ble Court and pass appropriate orders accordingly.

For Petitioner :: Mr.T. Sundaravadanam

For Respondents :: Mr.Yogesh Kannadasan
(Government Advocate)

O R D E R

The Writ petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Check Slip No.04/2021 dated 13.09.2021 passed



by the 3rd respondent herein and quash the same and consequently direct the 3rd respondent to register the gift settlement deed dated 13.09.2021 executed by the petitioner herein within a stipulated time period as fixed by this Hon'ble Court and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent as well as perused the material available on records.

3. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, it is seen that the Additional District Munsif, Vellore District, has passed ex-parte decree and Judgment dated 20.10.2016 in favour of the petitioner and her sister in O.S. No.222 of 2015 with regard to suit property located at Vellore Taluk and District, Balavansathu Village, comprised in Survey No.57 to an extent of 1050 Sq.fts. which was bequeathed by way of Will dated 16.04.2015. While the Registering Authority has refused to register the aforesaid Judgment and Decree dated 20.10.2016 passed by the Trial Court, the petitioner has filed W.P. No.10465 of 2021 challenging the refusal of registration of the same. In view of the direction of this Court in W.P. No.10465 of 2021 by its order dated 28.04.2021, the Judgment and Decree dated 20.10.2016 has been registered in the records of the Registration Department in Document No.6978/2021 dated 27.07.2021. After registering the Judgment and Decree dated 20.10.2016, the petitioner and her sister have decided to settle the aforesaid property to their mother for her life time enjoyment. Hence, the petitioner has executed a Gift settlement deed dated 13.09.2021 in favour of her mother and presented it for registration before the 3rd respondent herein. However, it was refused to register by issuing Check Slip No.04/2021 dated 13.09.2021 passed by the 3rd respondent herein on the ground that the decree and judgment passed in O.S.No.222 of 2015 dated 20.10.2016 falls within the appeal period of time and as per the circular No.18339/C1/2012 dated 25.04.2012 issued by the 1st respondent. Hence, this Court without expressing any opinion with regard to the merits of the case, directs the petitioner to give representation within a period of four weeks from the date of receipt of copy of this order. On receipt of the same, the 3rd respondent is directed to conduct enquiry in this regard after calling upon the parties concerned and pass appropriate speaking order based on the enquiry within a period of eight weeks in accordance with law.



4. In the result, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector General of Registration,
Santhome, Chennai - 600 028.
2. The District Registrar (Administration),
Deputy Inspector General,
Vellore, Vellore District.
3. The Joint I Sub-Registrar,
District Registrar Grade,
Vellore - 632 001.

+1cc to Mr.T. Sundaravadanam, Advocate, S.R.No.57056
+1cc to the Government Pleader, S.R.No.57597

W.P. No. 23647 of 2021
and
W.M.P. No.24896 of 2021

VGII (CO)
PM/28/01/2022