



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26015 of 2021

K.Selvarasu Chettiar

... Petitioner

Vs

The Sub-Registrar,
Joint I, Cuddalore - 607 002.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to register the settlement deed dated 22.10.2021 presented by the petitioner for registration.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus, directing the respondent to register the settlement deed dated 22.10.2021 presented by the petitioner for registration.

2. The petitioner has two sons. The petitioner derived title over the subject property through the partition among his family members. Thereafter, the petitioner intended to settle 1/3rd share in favour of his elder son. Therefore, he settled the property by way settlement deed dated 25.03.2021 in respect of his 1/3rd share in the subject property in favour of his elder son. However, the younger son filed a suit in O.S.No.91 of 2021 for partition in respect of the subject property on the file of the Principal Subordinate Court, Cuddalore and it is pending. Further, the respondent keep the settlement deed without registering for the reason that the suit for partition is pending.

3. Admittedly, the respondent is not a party in the



partition suit and there is no restraint the order passed as against the respondent for registering the settlement deed of the petitioner. It is also seen from the records that the petitioner executed the settlement deed in respect of his undivided 1/3rd share in favour of his elder son leaving behind of 1/3rd share of the younger son.

4. Considering the above facts and circumstances of this case, the respondent is directed to conduct enquiry, protest petition if any, is filed by the younger son in respect of the subject property with regard to the registration of the settlement deed in favour of the elder son, after issuance of notice to the parties concerned and after giving opportunity of hearing to them, pass orders on merits either registering or rejecting the settlement deed, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

kv

To

The Sub-Registrar,
Joint I, Cuddalore - 607 002.

+1cc to the Government Pleader, S.R.No.64883

W.P.No.26015 of 2021

SS(CO)
SU(21/12/2021)