



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.7967 of 2021
(Through Video Conference)

M.Akbar Ali

...Petitioner

Vs.

1) The District Registrar,
Registration Department,
Mahal Registration Office,
Madurai.

2) The Sub Registrar,
Registration Department,
Othakadai Sub Registrar Office,
Rajakambeeram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to register the settlement deed executed by the petitioner in favour of his daughter in respect of the landed property comprised in Survey No.223/7B, UDR Resurvey No.98/7B Angadimangalam Bit-2 Village, Madurai East Taluk, Madurai District on the basis of Petitioner's representation dated 06.02.2021

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.S.Shanmugavel,
Government Advocate (Civil)

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to register the settlement deed executed by the petitioner in favour of his daughter with respect to the subject property on 18.11.2019.

2. The case of the petitioner is that he is the absolute owner of the subject property by virtue of a registered sale deed dated 04.12.1993 registered as Document No.1432 of 1993. The further case of the petitioner is that he is in possession and enjoyment of the property and he has raised various trees in the said property. The petitioner wanted to settle the property in favour of his daughter and hence, executed a settlement deed on 18.11.2019. When the same was presented for registration, the second respondent had refused to register the same based on some objections raised by the adjacent owner. The petitioner also made a representation in this regard on 06.02.2021 and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



3. Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Government Advocate (Civil side) for the respondents.

4. In the considered view of this Court, a registration can never be stopped on the basis of objections given by an adjacent land owner. If the petitioner presents the document along with the necessary proof to substantiate his title and possession in the property, the second respondent has to proceed further to register the document, if it is otherwise in order. Even otherwise, it is the duty of the second respondent to pass an order under Section 71 of the Registration Act, 1908 wherever there are valid grounds for refusal to register a document. The second respondent cannot refuse to register the documents orally.

5. In view of the above, there shall be a direction to the second respondent to entertain the settlement deed executed by the petitioner in favour of his daughter, if it is otherwise in order and the petitioner is able to produce the documents substantiating his ownership over the property. If the second respondent refuses to register the document, he has to pass an order in writing under section 71 of the Act by giving reasons. This process shall be completed by the second respondent within a period of two (02) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The District Registrar,
Registration Department,
Mahal Registration Office,
Madurai.



2) The Sub Registrar,
Registration Department,
Othakadai Sub Registrar Office,
Rajakambeeram, Madurai.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-19375[F] dated 16/06/2021)

+1 CC to M/s.SPL GP (SR-19540[F] dated 17/06/2021)

W.P. (MD) No.7967 of 2021

Dated:
15.06.2021

KB(25.06.2021) 3P 5C