



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17170 of 2021

Nagendaran

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Eraniel, Neyoor-Post,
Kalkulam Taluk, Kanyakumari District.

2.The District Registrar (Admin),
Combined Building of Registrar Office,
Nagercoil-629 001,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to register and release the settlement deed dated 02.08.2021 by considering the petitioner's representation dated 26.08.2021 in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.Prathap.V.H.S
For Respondents : Mr.R.Subbaraj
Counsel for the State

ORDER

The petitioner complains of the alleged failure of the first respondent to register and release the settlement deed dated 02.08.2021.

2. The petitioner states that he has absolute title over two (2) contiguous parcels of land admeasuring an aggregate extent of 16.250 Cents in Re-Survey No.790/2 and Re-Survey No.890/7 at the Eraniel Revenue Village of Kalkulam Taluk. Title thereto is claimed on the basis of a registered partition deed dated 25.09.1986 bearing Registration No.2654/1986. In the capacity of owner, the petitioner states that he executed a settlement deed in favour of his sons in respect of the entire extent of 16.250 Cents. Upon



submission of the said document before the first respondent herein, the petitioner states that the first respondent refused to receive the document without adducing any reason therefor. The present Writ Petition is filed in the said facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider the petitioner's request for registration and dispose of the same in accordance with law.

4. If a document is presented for registration, the Sub-Registrar concerned is under an obligation to either register the document or indicate the reasons for refusing to register such document. In the present case, the petitioner complains that the Sub-Registrar has failed to exercise either of the above mentioned options. It is also submitted on behalf of the petitioner that the relevant document is in the custody of the petitioner.

5.The petitioner is permitted to re-submit the relevant settlement deed before the first respondent for registration. Such re-submission shall be done within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent herein is directed to consider the request for registration and either register the document or indicate cogent reasons for refusing to do so. In any event, the entire exercise shall be completed within a period of one (1) month from the date of receipt of the re-submitted document.

6. Accordingly, W.P.(MD).No.17170 of 2021 is disposed of on these terms without any order as to costs

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Sub Registrar,
Sub Registrar Office,
Eraniel, Neyoor-Post,

<https://hcservices.kadams.com/hcservices/>, Kanyakumari District.



2.The District Registrar (Admin),
Combined Building of Registrar Office,
Nagercoil-629 001,
Kanyakumari District.

WEB COPY

+1 CC to M/s.SPL.GP (SR-30332[F] dated 27/09/2021)

W.P (MD) No.17170 of 2021

24.09.2021

MGJ(04.10.2021) 3P 4C