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W.P.No.12340 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.12340 of 2015
and W.M.P.No.8507 of 2016**

Sri Mugunthan Renganathan

...Petitioner

Versus

State by
The Sub Registrar of Assurances,
Triplicane,
Chennai – 600 014.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the Sub Registrar, Triplicane, Chennai – 600 014, the respondent herein to register and release the Settlement Deed dated 10.12.2014 executed and presented by Mrs.Padmavathi, the mother of the petitioner in his favour, for registration, kept as pending Document No.201400245, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Y.Prakash

For Respondent : Mr.E.Vijay Anand,
Additional Government Pleader



ORDER

WEB COPY The relief sought in this writ petition is to direct the respondent to register and release the Settlement Deed dated 10.12.2014 executed and presented by Mrs.Padmavathi, mother of the petitioner in favour of petitioner, for registration, kept as pending Document No.201400245, within a time frame as may be fixed by this Court.

2. The case of the petitioner is that his mother Mrs.Padmavathi and sister Mrs.Saroja Naidu were the co-owners of Flat No.6B “VERTICA” situated at Door Nos.153 to 156, Peters Road, Royapettah, Chennai – 600 086 with 551 Sq.ft of undivided share and having a super built up area of 2,357 Sq.ft. While so, his mother had settled her undivided half share in Flat No.6B in his favour, by way of Settlement Deed dated 10.12.2014. Thereafter, on 12.12.2014, his mother had presented the said Settlement Deed before the respondent, for registration. She has also paid the stamp duty and necessary registration charges for registration. However, without registering the said Settlement Deed, respondent has kept the same in cold storage as pending Document No.201400245. Aggrieved over the act of respondent, petitioner has filed the present writ petition before this Court for



the relief stated *supra*.

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3. The learned counsel for the petitioner submitted that since the petitioner's mother wanted to settle her undivided share in the aforesaid flat to his son/petitioner, she executed the Settlement Deed dated 10.12.2014 and presented the same, before the respondent for registration. Though the petitioner's mother had paid the necessary registration charges and requested the respondent to register the aforesaid Settlement Deed, the respondent has refused to register the same. The respondent has not yet registered and released the said Settlement Deed. Therefore, the learned counsel prayed this Court to issue appropriate direction to the respondent to register and release the Settlement Deed dated 10.12.2014 which has been kept as pending Document No.201400245, within a time frame as stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondent submitted that he has no objection to such direction being issued by this Court.



5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Admittedly, the petitioner's mother had settled her undivided half share in the subject flat in favour of her son/petitioner vide Settlement Deed dated 10.12.2014. On 12.12.2014, she presented the said Settlement Deed before the respondent, for registration, however, the respondent refused to register the same. Though the petitioner's mother had paid the necessary registration charges, respondent has kept the Settlement Deed as pending Document No.201400245 without registering the same. Hence, the petitioner has filed this writ petition.

7. So far as this case is concerned, though the petitioner's mother submitted the Settlement Deed for registration as early as in the year 2014, till date, the respondent has not registered and released the same. Even after the petitioner's mother paid the necessary registration charges, the respondent refused to register the Settlement Deed.



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8. The respondent is duty bound to verify the title and right of the person who executed the Settlement Deed and thereafter, register the same, if it is otherwise in order, however, without doing so, he kept the Settlement Deed as a pending document on file, for no reason.

9. Considering the above facts and circumstances of the case and also, having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to register the Settlement Deed dated 10.12.2014 bearing pending Document No.201400245, if not registered earlier, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order. No costs.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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Copy to

The Sub Registrar of Assurances,
Triplicane,
Chennai – 600 014.

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