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W.P.No.20847 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20847 of 2015

And

M.P.No.1 of 2015

K.Natarajan

... Petitioner

Vs.

1.The Sub – Registrar,
Avarapakkam,
Tindivanam Town,
Villupuram District.

2.The Tashildar,
Tindivanam Taluk,
Villupuram District.

3.The Inspector General of Registration (I.G.R),
Santhome High Road,
Chennai.

4.K.Munirathinam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the concerned record in his proceedings No.nil, dated 07.05.2015 passed by the first respondent herein and to quash the same and consequently direct the



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first respondent to register the Instrument i.e., the Family Settlement Deed presented by the petitioner herein on 07.05.2015 in favour of his wife Tmt.N.Suguna for the said house hold property vacant site situated at Olakur Village, Tindivanam Taluk, Villupuram District in dry survey No.351/8 0.02 1/4 Cents (984 Sq.Ft) out of 0.04 1/2 Cents.

(Prayer amended as per order dated 20.07.2015 by M.S.N.J. In MP.2/2015 in WP.20847/2015.)

For Petitioner : Mr.M.Arumugam
For Respondents : Mr.E.Vijay Anand for R1 to R3
Additional Government Pleader
Mr.P.Dineshkumar for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records in proceedings No.nil, dated 07.05.2015 passed by the first respondent and to quash the same and to consequently direct the first respondent to register the family settlement deed presented by the petitioner on 07.05.2015 in favour of his wife Tmt.N.Suguna for the property situated at Olakur Village, Tindivanam Taluk, Villupuram District in dry survey No.351/8



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0.02 1/4 Cents (984 Sq.Ft) out of 0.04 1/2 Cents.

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2.The case of the petitioner is that the petitioner settled the property situated at Olakur Village, Tindivanam Taluk, Villupuram District in dry survey No.351/8, an extent of 0.02 1/4 Cents (984 Sq.Ft) out of 0.04 1/2 Cents in favour of his wife and presented the settlement deed before the first respondent for registration, however, the first respondent refused to register the same and passed the impugned proceedings on the ground that, the petitioner did not produce any title deed or revenue records establishing his title over the property, while presenting the document for registration. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner produced the Kooru Chit, which is a valid document, while presenting the settlement deed for registration. Hence, it would suffice, if this Court issues direction to the first respondent to entertain the document presented by the petitioner and to pass appropriate orders.

4.Heard the arguments advanced on either side and perused



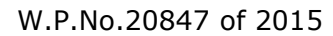
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the materials available on record.

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5.The facts in the present case is not disputed. The petitioner claim that he is the owner of an extent of 0.04 1/2 Cents of land situated in dry Survey No.351/8 at Olakur Village, Tindivanam Taluk, Villupuram District out of which, he settled an extent of 0.02 1/4 Cents (984 Sq.Ft) in favour of his wife and presented the settlement deed before the first respondent for registration, however, it was refused on the ground that the petitioner did not annexe any valid document while presenting the document for registration.

6.Since the petitioner claim that he possess valid document to establish his title, the impugned order dated 07.05.2015 passed by the first respondent is hereby set aside. The matter is remitted back to the first respondent for fresh consideration. The petitioner is directed to produce necessary documents, particularly, parent document to show that he is the owner of the document. If any such valid document is produced, the first respondent shall entertain the settlement deed dated 07.05.2015 executed by the petitioner in favour of his wife and pass appropriate orders, after payment of necessary stamp duty and registration charges.



20.10.2022

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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