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W.P.Nos.35814 & 35815 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.Nos.35814 & 35815 of 2015

E.Sudhakar

...Petitioner in both W.Ps

Versus

The Sub-Registrar,
Gummidipoondi Sub-Registration Office,
Gummidipoondi,
Tiruvallur District.

...Respondent in both W.Ps

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to release the Settlement Deed dated 24.07.2015 bearing Document Nos.P123/2015 & P122/2015 respectively, registered before the respondent on 11.08.2015, to the petitioner.

For Petitioner in both W.Ps : Mr.R.Munuswamy

For Respondent in both W.Ps : Mr.E.Vijay Anand,
Additional Govt. Pleader



COMMON ORDER

WEB COPY The relief sought in these writ petitions is to direct the respondent to release the Settlement Deed dated 24.07.2015 bearing Document Nos.P123/2015 & P122/2015, registered before the respondent on 11.08.2015, to the petitioner.

2. The case of the petitioner is that he acquired the properties comprised in Punja Survey Nos.160/13(part) & 160/14(part) measuring to an extent of 2,689 Sq.ft and 363 Sq.ft respectively situated at Thurappallam Village, Gummidipoondi Taluk, Tiruvallur District, bearing Patta No.27 from his mother Mrs.Soundari vide Deed of Settlement dated 18.11.2003 which was registered as Document No.2666/2003 on the file of the respondent. After the date of execution of said Settlement Deed, the petitioner has been in possession and enjoyment of the said properties as an absolute owner. Thereafter, the petitioner settled the said properties to his brothers E.Prakash & E.Prabu by way of Settlement Deed dated 24.07.2015. On 24.07.2015 itself, petitioner had submitted the said Settlement Deed before the respondent for registration. However, the respondent refused to register the said Settlement Deed by orally stating the



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reason that there is an objection by a third party for registration of said Settlement Deed. Hence, the petitioner requested the respondent to give his objection in writing for not registering the said Settlement Deed, but, the respondent had refused to give his objection in writing. Subsequently, at the request of petitioner, respondent had registered the Settlement Deed on 11.08.2015, after receiving the necessary registration charges from the petitioner. However, the respondent has not yet release the said Settlement Deed and kept the same in cold storage as pending Document Nos.P123/2015 & P122/2015. Aggrieved over the act of the respondent, petitioner has filed the present writ petitions before this Court for the relief stated *supra*.

3. The learned counsel for the petitioner submitted that the petitioner is an absolute owner of the subject properties. Since the petitioner wants to settle the subject property to his brothers, he executed a Settlement Deed dated 24.07.2015 and presented the same, before the respondent for registration. Though the said Settlement Deed was registered on 11.08.2015, the same was not yet released by the respondent. Therefore, the learned counsel prayed this Court to issue appropriate direction to the



respondent to release the Settlement Deed which has been kept as pending

Document Nos.P123/2015 & P122/2015, 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 had settled the subject properties in favour of his two brothers vide Settlement Deed dated 24.07.2015. Then, he submitted the said Settlement Deed before the respondent for registration, but, the respondent refused to register the same. Though he paid the necessary registration charges, without registering the said Settlement Deed, the respondent has kept the same as pending Document No.P123/2015 & P122/2015. Hence, the petitioner has filed this writ petition.



7. So far as this case is concerned, the respondent has not yet registered the Settlement Deed, even after the petitioner paid the necessary registration charges. Though the petitioner settled the subject properties to his brothers as early as in the year 2015, till date, his brothers are unable to enjoy the properties only because of the reason that the Settlement Deed was not registered and released by the respondent. 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.

8. 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 entertain the Settlement Deed dated 24.07.2015 bearing pending Document Nos.P123/2015 & P122/2015, 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.

9. With the above directions, these writ petitions are disposed of. No



costs.

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28.10.2022

Index : Yes/No

Speaking Order (or) Non-Speaking Order

Copy to

The Sub-Registrar,
Gummidipoondi Sub-Registration Office,
Gummidipoondi,
Tiruvallur District.

M.DHANDAPANI, J.



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