



W.P.No.25675 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.25675 of 2016

S.Arunachalam

...Petitioner

Versus

- 1.The Inspector General of
Registration Santhome High Road,
Pattinapakkam, Chennai – 28.
- 2.The District Registrar,
Tiruppur District.
- 3.The Joint Sub Registrar – II,
Tiruppur.
- 4.The Executive Officer,
Arulmigu Visweswara Swamy & Veeraragava
Perumal Temples Easwaran Koil Street,
Tirupur – 641 604.
- 5.The Assistant Commissioner,
The Hindu Religious & Charitable Endowment,
Dept. Arulmigu Visweswara Swamy &
Veeraragava Perumal Temples Easwaran Koil Street,
Tirupur District

...Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 herein to register Settlement Deed dated 25.02.2016 pending document No.P17/2016 on the file of the third respondent with respect to petitioner's property comprised in S.F.No.27 T.S.No.7/4/1G of Tiruppur Village, Tiruppur Taluk, Tiruppur District without insisting for 'no objection certificate' from the respondents 4 and 5.

For Petitioner : Mr.R.Prabakar

For Respondents – 1 to 3: Mr.R.V.Dinesh Rajkumar,
Addl. Govt. Pleader

For Respondents – 4 & 5: Mr.K.Karthikeyan,
Government Advocate (HR & CE)

ORDER

The relief sought in this writ petition is to direct the respondents 1 to 3 to register Settlement Deed dated 25.02.2016 pending document No.P17/2016 on the file of the third respondent with respect to petitioner's property comprised in S.F.No.27 T.S.No.7/4/1G of Tiruppur Village, Tiruppur Taluk, Tiruppur District without insisting for 'no objection certificate' from the respondents 4 and 5.



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2. The case of the petitioner is that he is the owner of the property in S.F.No.27 measuring an extent of 1,170 Sq.ft leaving the pathway. The said property is a house property bearing Door No.29-B, Ward – 41, New T.S.Ward G of Tiruppur Corporation. He wanted to execute a Settlement Deed in respect of the said property in favour of his family members. So, he prepared a Settlement Deed and presented the same before the third respondent on 25.02.2016 for registration. He has also paid the necessary registration charges. However, the third respondent had kept the petitioner's settlement deed in cold storage as pending Document No.P17/2016. Though the petitioner approached the third respondent several times for getting registration of his settlement deed, his efforts were went in vain. While so, the third respondent vide communication dated 30.06.2016 informed the petitioner that his settlement deed can be registered only after the fourth respondent is appeared in person with relevant documents in regard to the registration of his settlement deed and until then, the same will be kept as a pending document. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated *supra*.



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3. The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the house property comprised in S.F.No.27 measuring to an extent of 1,170 Sq.ft. The petitioner wants to execute a settlement deed in favour of his family members and therefore, he has presented a settlement deed dated 25.02.2016, before the third respondent for registration, however, the third respondent without registering the same keeping it as a pending document. He further submitted that the third respondent has no necessity to wait for the opinion of the fourth respondent for registering the settlement deed of the petitioner. Therefore, he prayed this Court that appropriate direction may be issued to the respondents 1 to 3 to register the settlement deed which has been kept as pending document No.P17 of 2016 on the file of the third respondent, within a time frame as stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 drew the attention of this Court to the paragraph No.4 of the counter affidavit filed on behalf of the respondents 1 to 3, wherein, it is stated that the subject property in S.F.No.27 is owned by the Arulmigu



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Visveswara Swamy and Veeraraghava Perumal Temple, Tiruppur and not owned by the petitioner. Therefore, no further orders are required in this matter.

5. The learned counsel for the petitioner prayed that this writ petition may be disposed of with liberty to the petitioner to work out his remedy in the manner known to law.

6. In such view of the matter, recording the submissions so made by the learned counsel on either side, this writ petition is dismissed as having become infructuous, however, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs.

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Index : Yes/No



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M.DHANDAPANI, J.

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Copy to

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