



WP.No.29534 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.29534 of 2016

Brindha Devi

... Petitioner

Vs

1. The District Registrar,
Tiruppur District, Tiruppur.

2. The Sub Registrar,
Dharapuram, Tiruppur District.

... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the second respondent in Check Slip No.1 of 2016 dated 19.02.2016 and quash the same as illegal and not in consonance with law and consequential direction directing the 2nd respondent to register the settlement deed dated 27.01.2016.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.PRAjarajeswari, G.A. – R1 & R2



WP.No.29534 of 2016

ORDER

WEB COPY

This Writ Petition has been filed to call for the records pertaining to the proceedings of the second respondent in Check Slip No.1 of 2016 dated 19.02.2016 and quash the same as illegal and not in consonance with law and consequential direct the 2nd respondent to register the settlement deed dated 27.01.2016.

2. It is the contention of the petitioner that when the settlement deed was presented for registration, it was returned by the registering authority mainly on the ground that there was previous encumbrance registered in the year 2010. It is the case of the petitioner that the petitioner has purchased the property in the year 2002 and she has been enjoying the property. When she presented the settlement deed in the year 2016, the Registrar has refused to register the document. Hence, seeks a direction to Register the Settlement Deed.

3. It is relevant to note that the Division Bench of this Court in the judgment in **N.Ramayee Vs. The Sub Registrar and another in W.P.No.674 of 2020 dated 05.11.2020**, has clearly held that the registering



WP.No.29534 of 2016

WEB COPY

authority cannot refuse to register a document merely on the basis that some other encumbrance has already been created.

4. In such view of the matter, this Court is of the view that the Registrar has no right to refuse to register the document, except the documents relating to immovable properties mentioned in Section 22-A of the Tamil Nadu Act, the registering authority is bound to register the document.

4. Accordingly, the second respondent is directed to register the document, though 6 years have lapsed after presentation of the document, in view of S.47 of the Registration Act, the date of execution of the document is a prime factor for considering the validity of the document.

5. With the above directions, this Writ Petition stands disposed of. No costs.

15.09.2022

vrc

Index:Yes/No



WP.No.29534 of 2016

Web: Yes/No

Speaking/Non Speaking

To,

1. The District Registrar,
Tiruppur District, Tiruppur.
2. The Sub Registrar,
Dharapuram, Tiruppur District.



WEB COPY



WP.No.29534 of 2016

N.SATHISH KUMAR, J.

vrc

WP.No.29534 of 2016

15.09.2022