



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.13606 OF 2021

Hemdev Ramkrishna

... Petitioner

-Vs-

1. The Deputy Inspector General of Registration,
Sankara Naidu Street,
Thirupapuliyur - 607 002.
2. The District Registrar,
Sankara Naidu Street,
Thirupapuliyur - 604 002.
3. The Sub Registrar,
Nellikuppam.
4. Azhagusambasivam
(R4 impleaded vide order
dated 16.08.2021 made in
W.M.P.No.17389 of 2021
in W.P.No.13606 of 2021)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent to register the settlement deed executed by Hemdev Ramkrishna in favour of Azhagu Bangaru Reddiyar dated 29.01.2020 in accordance with law.

For Petitioner : Mr.S.C.Vishwanth

For Respondents

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R4 : No appearance



ORDER

The Writ Petition has been filed to direct the third respondent to register the settlement deed executed by Hemdev Ramkrishna in favour of Azhagu Bangaru Reddiyar dated 29.01.2020 in accordance with law.

2. The case of the petitioner is that the land comprised in survey No.34/2 to an extent of Hec.1-12.00 ares, S.No.21/4 to an extent of Acre 0.59.28 cents, S.No.307/13 to an extent of 0.0004, S.No.307/15 to an extent of 0.0092, S.No.307/16 to an extent of 0.0171, S.No.307/17 to an extent of 0.0021, S.No.35/1 to an extent of 1.52.0 acre lands are owned by the petitioner's grandmother. During her life time, the petitioner's father filed suit for partition in O.S.No.31 of 2005 on the file of the Fast Track Court-II, Cuddalore.

3. While pending the suit, the petitioner's grandmother executed a Will in respect of her 1/7 share of the suit property along with other properties on 11.03.2002 and she died on 11.07.2002. After her demise, the said Will was marked as Ex.A2 in the suit filed by his father. In the said suit was decreed and the petitioner's grandmother share also allotted in favour of the petitioner and passed preliminary decree. It was challenged by the petitioner's father's elder brother i.e., the fourth respondent herein and it was dismissed in SR stage in AS.SR.No.91828 of 2011. Aggrieved by the same, he preferred Special Leave Petition before the Hon'ble Supreme Court of India and the same was dismissed on 03.05.2016.

4. Thereafter, the petitioner executed a settlement deed in favour of his father in respect of the property bequeathed in his favour through the Will executed by his grandmother and presented the same before the third respondent for registration. However, the third respondent did not accept the same without any reasons. The petitioner also caused legal notice to the third respondent on 21.02.2020. Since there was no reply, the petitioner filed this present Writ Petition with the above said prayer.

5. Heard Mr.S.C.Vishwanth, learned counsel appearing for the petitioner Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

6. On perusal of the counter affidavit filed by the third respondent revealed that the petitioner never presented any settlement deed executed in favour of his father and there is no evidence to show that the requisite stamp and registration fee have been paid through online. If the petitioner paid the



registration fee and stamp duty through online, the index and token have been generated in online.

7. Considering the above facts, the petitioner is directed to re-present the settlement deed dated 29.01.2020 executed in favour of his father along with requisite stamp duty and registration fee. On receipt of the same the third respondent is directed to register and release the same, if it is otherwise in order.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Deputy Inspector General of Registration,
Sankara Naidu Street,
Thirupapuliyur - 607 002.
2. The District Registrar,
Sankara Naidu Street,
Thirupapuliyur - 604 002.
3. The Sub Registrar,
Nellikuppam.

+1cc to Mr.K.Moorthy, Advocate, S.R.No.7643

+1cc to the Government Pleader, S.R.No.8040

W.P.No.13606 of 2021

SRA (CO)
RLP (23/02/2022)