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W.P.No.24898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24898 of 2022

A.Veerasingam

..Petitioner

Vs.

1.The District Registrar,
(Administration),
Dharmapuri District,
Dharmapuri.

2.The Sub Registrar,
Kadathur Sub Registrar Office,
Pappireddipatti Taluk,
Dharmapuri District.

...Respondents

Prayer:Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd Respondent to return the settlement deed dated 12.11.2020 kept as pending document No. P/ Kalathur /5/ 2021 registered on 17.03.2021 forthwith to the petitioner.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.E.Sundaram
Government Advocate



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ORDER

This petition has been filed for issuance of writ of Mandamus to to direct the 2nd Respondent to return the settlement deed dated 12.11.2020 kept as pending document No. P/ Kalathur /5/ 2021 registered on 17.03.2021 forthwith to the petitioner.

2. The case of the petitioner is that the property comprised in S.F.No.333/3A, measuring an extent of 47 cents out of 94 cents and S.F.No.332/1 measuring an extent of 2.37 acres out of 4.74 acres situate at Sinthalpadi Village, Pappireddipatti Taluk, Dharmapuri District, belongs to the petitioner's joint family and thereafter an oral partition took place between the petitioner and one A.Shanmugam, wherein the said properties were allotted to the petitioner and thereby, he is in continuous possession and enjoyment of the same. Thereafter the said Shanmugam had illegally obtained patta in his favour and hence, the petitioner has filed the suit in O.S.No.249/1996 before the District Munsif Court, Harur, for declaration of title and permanent injunction and the said suit was decreed by a judgment dated 15.12.1997 and thereafter, the petitioner is



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in continuous and uninterrupted possession. Since he intended to settle the property in favour of his son, he executed a Deed of Settlement on 12.11.2020 and presented the same for registration with the 2nd respondent, but the 2nd respondent simply refused to receive the documents without assigning any valid reasons and on the continuous effort of the petitioner, the Settlement Deed was registered and kept as pending document on the ground that as the document was presented with delay, the same will be returned to the petitioner only after completion of scrutinization. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 2nd respondent to return the Settlement Deed within a stipulated time as fixed by this Court.

4. The learned Government Advocate appearing for the respondents submitted that the documents will be returned within a stipulated time frame.



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5. Considering the above facts and circumstances, this Court without going into the merits of the case, is inclined to issue direction to the 2nd respondent to pass orders on the Settlement Deed, which was received on 17.03.2021, after thorough scrutinisation, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above terms. No costs.

16.09.2022

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To

1.The District Registrar,
(Administration),
Dharmapuri District,
Dharmapuri.

2.The Sub Registrar,
Kadathur Sub Registrar Office,
Pappireddipatti Taluk,
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M.DHANDAPANI.,J.
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