



W.P.No.31787 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31787 of 2022

Anand Chettur

... Petitioner

VS.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai – 600 028.

2. The Sub Registrar Adyar,
Kamaraj Avenue 2nd Street,
Venkata Rathnam Nagar Extension,
Adyar, Chennai – 600 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to register the certified copy of the compromise decree dated 30.11.2020 passed by this Court in C.S.No.685 of 2010 and T.O.S.No.48 of 2018 on payment of necessary stamp duty and registration charges and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

For Petitioner : Ms.T.Poornam

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the second respondent to register the certified copy of the compromise decree dated 30.11.2020 passed by this Court in C.S.No.685 of 2010 and T.O.S.No.48 of 2018 on payment of necessary stamp duty and registration charges and without insisting on the period of limitation under Section 23 of the Registration Act, 1908.

2. It is the case of the petitioner that the petitioner and his brother filed a suit bearing C.S.No.685 of 2010 before this Court against one Vatsala Unni and 19 others for various reliefs seeking declaration that the alleged will dated 30.07.2008 and the undated Codicil purported to have been executed by late one Sumnagali Chettur is null and void. Further one Shalina Kurien and 2 others have also filed a suit bearing T.O.S.No.48 of 2018 before this Court against the petitioner herein and his brother, to grant probate of the Will and Codicil executed by late Sumangali Chettur. While the aforesaid suit were pending before this Court, the parties to the said suits have entered into a compromise vide compromise decree dated 30.11.2020. When the said



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certified copy of the compromise decree was presented for registration before the second respondent, the same was refused to be registered. Hence, the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues direction to the second respondent to entertain the document presented by the petitioner and to enter the same in Book No.I u/s 89 of the Registration Act.

4. Learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the second



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respondent to entertain the document presented by the petitioner and to enter the same in Book No.I u/s 89 of the Registration Act, if there is no other legal impediment and on receipt of necessary stamp duty and registration charges within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation and directions, this Writ Petition is disposed of. No costs.

28.11.2022

RAP

Index : Yes/No

Speaking order : Yes/No



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M.DHANDAPANI, J.

RAP

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