



W.P.No.32914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32914 of 2022

S.Jaya Chitra

... Petitioner

-Vs-

The Sub Registrar,
Sub Registrar Office,
Vandavasi,
Tiruvannamalai District.

... Respondent

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to register the settlement deed in favour of the petitioner's husband executed by the petitioner based upon the petitioner's representation dated 15.11.2022 on merits within the time limit fixed by this Court.

For Petitioner : Mr. R.Gokulakrishnan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a writ of mandamus directing the respondent to register the settlement deed in



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favour of the petitioner's husband executed by the petitioner based upon the petitioner's representation dated 15.11.2022

2. The petitioner claims that, she purchased the property at S.No.477/1B, 476/1 at Arasul Village, Vandavasi Taluk, Tiruvannamalai District, which property originally belongs to the mother of the petitioner from whom, the petitioner purchased the property by giving sale consideration through the registered sale deed dated 22.03.2013 that is how the petitioner has become the owner of the property.

3. Now the petitioner wanted to settle the property in favour of her husband and when the settlement deed prepared by the petitioner was presented before the respondent for registration, the same has been refused orally by the respondent on the ground that, a civil suit has been filed by the brother of the petitioner for bare injunction in respect of the said property.

4. Mr.R.Gokulakrishnan, learned counsel appearing for the petitioner, on instructions from the petitioner, has made a statement that, during the pendency of the suit, the settlement to be made by the



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petitioner in favour of her husband cannot be accepted for registration, which seems to be the reason given by the respondent for refusal of registering the settlement document.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent, who would submit that mere pendency of the suit would not be a bar to register the document, if it is otherwise in order by the registering authority and in this context, in support of the proposition, learned Special Government Pleader has relied upon the order of this Court in the case of ***E.Shanthi Vs.The Inspector General of Registration [2021 (1) CTC 535]***.

5. I have considered the said submission made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. As has been rightly pointed out by the learned Special Government Pleader appearing for the respondent mere pendency of a suit filed by any third party may not stand in the way to register the



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document, if the registering authority is satisfied by the person who executed the document is having a marketable title and if he is able to satisfy the conditions imposed in this regard under the Registration Act, 1908 and the Rules made thereunder, there could be no further impediment for the Registration Authorities to register the document.

7. Herein the case in hand, it is a property originally belongs to the mother of the petitioner, from whom the petitioner purchased the same by way of sale deed. When that being so, merely because the brother of the petitioner filed a suit that too a bare injunction suit, where no interim order seems to have been granted, that may not be a reason for the respondent to refuse to register the documents presented for registration by the petitioner.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the respondent to accept the documents for settlement in respect of the property referred to above for registration from the petitioner and if the document is



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otherwise in order, it is open to the respondent to proceed with for registration of the documents in accordance with law.

- ◆ The needful as indicated above shall be undertaken by the Registrar i.e., respondent herein within a period of two (2) weeks from the date of presentation of the document.

With this direction, this writ petition is disposed of. No costs.

08.12.2022

Index : Yes/No
Internet : Yes/No
mp

To

The Sub Registrar,
Sub Registrar Office,
Vandavasi,
Tiruvannamalai District.



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R. SURESH KUMAR, J.

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