



W.P.No.33301 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.33301 of 2022

P.Haribabu

... Petitioner

-Vs-

The Sub-Registrar,
Gummidipoondi Sub-Registrar Office,
Gummidipoondi – 601 201,
Tiruvallur District.

... Respondent

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent pertaining to the impugned Refusal Check Slip, RFL/Gummidipoondi/18/2022, dated 30.11.2022 in respect of the settlement deed dated 30.11.2022 of the petitioner and quash the same as arbitrary and illegal and also against the law laid down by this Court and consequently direct the respondent to register the settlement deed dated 30.11.2022 and release the same to the petitioner.

For Petitioner : Mr. R.Munusamy

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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OPY The prayer sought for in this writ petition is for a writ of certiorarified mandamus to quash the impugned Refusal Check Slip, RFL/Gummidipoondi/18/2022, dated 30.11.2022 in respect of the settlement deed dated 30.11.2022 of the petitioner as arbitrary and illegal and consequently direct the respondent to register the settlement deed dated 30.11.2022 and release the same to the petitioner.

2. It is a claim of the petitioner that in 1986, the petitioner's mother purchased the property in question from the original owner under document No.117/1986, therefore, the petitioner's mother enjoyed the property and she died interstate and accordingly, the petitioner inherited the property, therefore, he become the owner of the property.

3. Now the petitioner being the owner of the property wanted to make settlement in favour of his two daughters and in this regard, a settlement deed has been presented before the respondent for registration and the same has been refused by way of impugned refusal slip stating the reason that already one Mr.Prakasam had given a complaint against



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the petitioner to cancel the sale deed document No.117/1986 and since the same was pending enquiry before the District Registrar, the plea now raised by the petitioner to register the settlement deed presented for registration cannot be considered. Accordingly, it was refused by way of refusal slip, which is impugned herein in this writ petition.

4. Heard Mr.R.Munuswamy, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent.

5. It is submitted by Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent that, it is 1986 document, under which the property was purchased by the mother of the petitioner and thereafter, the petitioner's mother since died interstate and accordingly, the petitioner inherited the property and he became the absolute owner of the property. Therefore, insofar as the complaint made by Mr.Prakasam, who is the third party seems to be no way connected with the property, therefore the District Registrar having conducted enquiry and by proceeding dated 28.11.2022 has rejected the said



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complaint given by Mr.Prakasam. Therefore, at this juncture absolutely there could be no further impediment for the respondent to register the said document, if it is otherwise in order, he contended.

6. Having regard to the said development taken place in this writ petition, which has been now brought to the notice of this Court and taking note of the submission made by the learned Special Government Pleader appearing for the respondent, this Court is inclined to dispose of this writ petition with the following order:

- ◆ That the impugned order is set aside and the matter is remitted back to the respondent for reconsideration.
- ◆ While reconsidering the same, in view of the order of rejection passed by the District Registrar dated 28.11.2022, under which the said complaint given by one Prakasam having been considered and rejected, this Court feels that there could be no further impediment for the respondent to accept and register the document submitted by the petitioner for registration, provided if it is otherwise in order. Hence, the respondent shall consider the same, if it is otherwise in order within a period of two weeks from the date of



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receipt of a copy of this order.

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With these directions, this writ petition is disposed of. No costs.

12.12.2022

Index : Yes/No

mp

To

The Sub-Registrar,
Gummidipoondi Sub-Registrar Office,
Gummidipoondi – 601 201,
Tiruvallur District.



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R. SURESH KUMAR, J.

mp

W.P.No. 33301 of 2022

12.12.2022