



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4289 of 2022

R.Sundaram

... Petitioner

/Vs./

1.The District Registrar,
Registration Department,
Madurai District,
Madurai.

2.The Sub Registrar,
Allanganallur,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondent to complete the Registration of Settlement Deed dated 15.02.2022 executed by the petitioner pending on the file of 2nd respondent bearing Temporary No. TP/110527043/2022.

For Petitioner : Mr.R.Murali

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to complete the Registration of Settlement Deed dated 15.02.2022 executed by the petitioner and presented for registration with the second respondent.

2.It is the case of the petitioner that the property mentioned in the aforementioned settlement deed is in his ownership and therefore, the respondent ought to have registered the said document. Since the same has not been registered, the petitioner has filed this writ petition.

3.Heard Mr.R.Murali, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.The learned Additional Government Pleader, on instructions would submit that an obstruction petition has been given by a third party by name, Mr.A.Venkata Subramanian, who has objected the registration of settlement deed by the petitioner on the ground that there is an earlier partition suit, which has been suppressed by the



petitioner. The said statement is recorded.

5. Admittedly, no order for refusal of registration of settlement deed has been passed by the respondents till date. It is for the respondents to decide any objection raised with regard to registration of settlement deed presented by the petitioner for registration, on merits and in accordance with law, after affording a fair hearing to the petitioner and any other objector, who has raised objection. No prejudice would be caused to the respondents or any other rival claimants, if the aforesaid exercise is done.

6. Accordingly, this Court directs the second respondent to pass final orders with regard to the registration of the settlement deed presented by the petitioner for registration after affording a fair hearing to the petitioner and Mr.A.Venkata Subramanian and other necessary parties, whom the second respondent deems fit to enquire, within a period of eight [8] weeks from the date of receipt of a copy of this order. It is made clear that in the final orders to be passed by the second respondent, the second respondent is directed to consider the Circular issued by the Inspector General of Registration in Circular No.39708/C1/2018, dated 04.10.2018.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Registrar,
Registration Department,
Madurai District, Madurai.

2. The Sub Registrar,
Allanganallur, Madurai District.

+1 CC to M/s.R.MURALI, Advocate (SR-11474[F] dated 11/03/2022)
+1 CC to M/s.SPL GP (SR-11544[F] dated 11/03/2022)

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RD(28.03.2022) 2P 5C