



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5934 of 2022

M.Thangapandi

... Petitioner

/Vs./

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

2. The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.

3. T.Rajesh Kannan

... Respondents

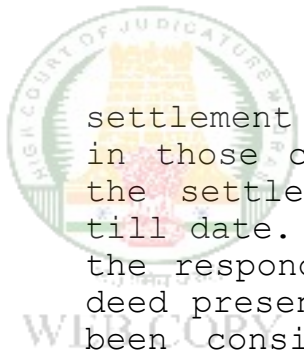
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent No.1 and 2 to permit the petitioner to register the Settlement deed dated 16.03.2020 pertaining to petitioner's property in S.Nos.604/1 and 604/2 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District and release the same within the time frame fixed by this Court.

For Petitioner	: Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
For Respondents	: Mr.S.Shanmugavel Additional Government Pleader for R1 to R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to permit the petitioner to register the Settlement deed dated 16.03.2020 pertaining to the petitioner's property in S.Nos.604/1 and 604/2 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District and release the same, on the basis of the petitioner's representation dated 13.03.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, the third respondent is his elder son. He has executed a settlement deed in favour of his other son, by name, Suseentharapandian on 16.03.2020 out of natural love and affection towards him. The third respondent has given a representation to the respondents 1 and 2 not to register the



settlement deed presented by the petitioner for registration. Only in those circumstances, the second respondent has not registered the settlement deed presented by the petitioner for registration till date. The petitioner has given representation on 13.03.2022 to the respondents 1 and 2 requesting them to register the settlement deed presented by the petitioner. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr. Mahaboob Fazil, learned Counsel for the writ petitioner and Mr. S. Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4. The learned Additional Government Pleader appearing on behalf of the official respondents, on instructions, would submit that the petitioner has not produced parent document for the subject property and the patta stands in the name of Gurunatha Swamy Kovil and only in those circumstances, the settlement deed presented by the petitioner has not been registered.

5. Admittedly, no final orders have been passed with regard to the registration of the petitioner's settlement deed. The petitioner has also given a representation on 13.03.2022, subsequent to the presentation of the settlement deed dated 16.03.2020. Even though the settlement deed was presented as early as on 16.03.2020, no final orders have been passed.

6. No prejudice would be caused to the official respondents, if the representation of the petitioner seeking for registration of the settlement deed dated 16.03.2020 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the third respondent as well as any other necessary party, whom the official respondents deem fit to enquire. One way or the other, a decision will have to be taken by the official respondents.

7. No decision has been taken, despite the fact that the petitioner has presented the settlement deed for registration as early as on 16.03.2020. This Court therefore directs the second respondent to pass final orders on the petitioner's representation dated 13.03.2022 requesting the second respondent to register the settlement deed presented by him for registration on 16.03.2020, after affording a fair hearing to the petitioner, the third respondent as well as any other necessary party, whom the second respondent deems fit to enquire and also by granting them an opportunity of personal hearing, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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

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/TRUE COPY/

Sd/-
Assistant Registrar(AD I)

/ /2022
Sub Assistant Registrar(CS)

To

1. The District Registrar,
Registration Department,
Dindigul,
Dindigul District.
2. The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-16344[F] dated 04/04/2022)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-16636[F] dated
05/04/2022)

order made in
W.P. [MD]No.5934 of 2022
Dated:
01.04.2022

MK/21.04.2022/3P/5C