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W.P.No.2606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2606 of 2023

S. Sudalaikkan Raja

... Petitioner

Vs.

**The Sub-Registrar,
Ashok Nagar, Nolambur Combined
Sub-Registrar Office, Mugappair West,
Chennai – 600 037.**

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to receive the deed of settlement dated 21.07.2022 executed by the petitioner in favour of his son Mr.S.Senthil (returned by the respondent without registering it filed herewith) and register the said Settlement Deed under the provisions of Indian Registration Act, 1908 and return it to the petitioner.

**For Petitioner : Mr.M.Kalyanasundaram, Senior Counsel
for Mr.G.Sampath**

**For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader**



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ORDER

The Writ Petition has been filed directing the respondent to receive the deed of settlement dated 21.07.2022 executed by the petitioner in favour of his son Mr.S.Senthil (returned by the respondent without registering it filed herewith) and register the said Settlement Deed under the provisions of Indian Registration Act, 1908 and return it to the petitioner.

2. According to the writ petitioner, without assigning any reason, the registering authority refused to register the settlement deed presented by the petitioner.

3. It is contention of the learned counsel for the petitioner that the subject property originally belongs to the Tamil Nadu Housing Board and the same was purchased by one Ramachandran. The said Ramachandran died on 16.04.1999 leaving behind the legal heirs. One of the legal heirs, R.Sivakumar, after division of the property, executed a conditional sale deed dated 23.01.2007 in favour of the petitioner and the petitioner paid the consideration of Rs.18 lakhs with a condition that if the seller repaid the said amount within a year from the date of document, the property would be re-conveyed. As the condition has not been fulfilled, the petitioner has become absolute owner. Therefore, he has executed a settlement deed in favour



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of his son, which has been refused to receive by the registering authority.

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4. Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondent. According to him, since the original title deed is only a conditional sale deed it will not confer any right to the petitioner, therefore, the registering authority to refuse to receive the document.

5. It is to be noted that the sale deed executed in favour of the petitioner, though with some condition, is an absolute sale deed. What was agreed for re-conveyance is within a period of one year, if vendor repaid the sale consideration. Once the condition is not fulfilled, the purchaser has become absolute owner of the property.

6. In such view of the matter, the registering authority, now, cannot refuse to register the document mainly on the basis of nomenclature of the document. Once the petitioner acquired a title of the property, the registering authority has no right to go into the validity of the document. Accordingly, there will be a direction to the registering authority to register the settlement deed executed by the petitioner in favour of his son, within a period of one month from the date of receipt of copy of this order.



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7. With the above direction, the Writ Petition is disposed of. No costs.

02.02.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To
The Sub-Registrar,
Ashok Nagar, Nolambur Combined
Sub-Registrar Office, Mugappair West,
Chennai – 600 037.



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N.SATHISH KUMAR, J.

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