



W.P.No.6585 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.6585 of 2023

S.Abirami

.... Petitioner

-Vs-

1.The District Registrar
Office of the District Registrar
Namakkal, Namakkal District.

2.The Sub Registrar
Office of the Puduchatram Sub Registrar
Namakkal District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to register the settlement deed dated 15.02.2023 presented by the petitioner in respect of her property situated at Survey Nos.83/4, 83/5A, 83/5B, to an total extent of land 20,338 ¼ Sq.ft Navani Village, Puduchatram, Namakkal District in view of the petitioner representation dated 10.10.2022 and to pass appropriate orders within a limited time frame.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the second respondent to register the settlement deed dated 15.02.2023 presented by the petitioner in respect of her property situated at Survey Nos.83/4, 83/5A, 83/5B, to an total extent of land 20,338 ¼ Sq.ft Navani Village, Puduchatram, Namakkal District in view of the petitioner representation dated 10.10.2022 and to pass appropriate orders within a limited time frame.

2. The petitioner presented a document for registration ie., settlement deed, which she makes in favour of her husband for registration at the 2nd respondent office, but the same has so far not been registered and has been kept pending for the alleged reason that, under Rule 55A(i) of the Registration Rules, the original parent document shall be produced, without which, based on the certified copy no registration can be undertaken. Therefore, seeking a direction to the 2nd respondent to register the settlement deed, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and Mr.Yogesh Kannnadasan learned Special Government Pleader for the respondents.



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4. Learned Special Government Pleader has fairly submitted that, Rule 55-A has been inserted under which this kind of documents are refused to be registered, but subsequently by order dated 08.02.2023 in W.P.No.2758 of 2023 in the matter of **The Federal Bank Ltd., Vs.The Sub-Registrar and Others**, this Court has struck down the Rule 55-A itself as ultra vires and by virtue of that, the present legal position is that, without insisting upon the original document as contemplated under Rule 55-A(i) if the document presented for registration is otherwise in order, that can be registered.

5. I have taken note of the said submission made by the learned Special Government Pleader and the order dated 08.02.2023 made in W.P.No.2758 of 2023, which has been followed in the subsequent cases also. When that being the position, the document in question cannot be refused for registration by the 2nd respondent / Sub Registrar Office.

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the 2nd respondent / Sub Registrar Office to proceed with the registration of the document in question presented by the petitioner if it is otherwise in order,



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without insisting any of the reasons as contemplated under Rule 55-A of the Registration Rules and the needful shall be undertaken within a period of four weeks thereafter.”

7. With the above directions, this writ petition is disposed of. No costs.

02.03.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

- 1.The District Registrar
Office of the District Registrar
Namakkal, Namakkal District.
- 2.The Sub Registrar
Office of the Puduchatram Sub Registrar
Namakkal District.



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R. SURESH KUMAR, J.

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