



WEB COPY

W.P.No.19253 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19253 of 2023

G.Subramani

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Cuddalore.

2.The Sub-Registrar,
Cuddalore Joint II Registrar Office,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his impugned refusal slip RFL/2 dated 13.06.2023 quash the same and consequently direct the 2nd respondent to register the settlement deed dated 08.06.2023 executed by the petitioner in favor of his son Kannathasan.

For Petitioner

: Mr.G.Arumuga Raja

For R1 & R2

: Mr.D.Ravichandren
Special Government Pleader



WEB COPY

W.P.No.19253 of



ORDER

The refusal check slip dated 13.06.2023 is sought to be quashed in the present writ petition.

2. The writ petitioner states that he is the owner of the property described in the present writ petition. He acquired the property through the settlement between the family members in O.S.No.351 of 2005 on the file of Principal District Munsif, Cuddalore.

3. The petitioner presented a deed of settlement before the Sub-Registrar for registration. The Sub-Registrar returned the documents on the ground that mortgage was in existence and it was made in Karaikadu Village, Canara Bank. In view of the mortgage, the document presented by the petitioner has been returned. Thus, the present writ petition.

4. Mortgage is not a bar for registration of settlement deed between the family members. If the documents are presented in violation of the procedures as contemplated under the Registration Act, then alone the documents are to be returned and the Registering Authority is not empowered



to adjudicate the disputed issues between the parties. Even if exist, the Registering Authority is not expected to exercise excessive power, while registering a document in accordance with the provisions of the Act.

5. In the present case, the objections raised by the Registering Authority is that the property is under mortgage and the Registering Authority is unconnected with the mortgage if any and therefore, the reasons stated in the impugned refusal check slip are in violation of the provisions of the Registration Act and the Registrar has exercised his power of registration excessively.

6. Accordingly, the impugned order passed by the second respondent in refusal slip RFL/2 dated 13.06.2023 is quashed and the second respondent is directed to proceed with the registration by following the procedures, if the document is otherwise in accordance with the provisions of the Registration Act.



W.P.No.19253 of

7. With the above directions, this Writ Petition stands allowed. No costs.

WEB COPY

03.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Registrar,
Registration Department,
Cuddalore.
- 2.The Sub-Registrar,
Cuddalore Joint II Registrar Office,
Cuddalore.



WEB COPY



W.P.No.19253 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.19253 of 2023

03.07.2023