



W.P(MD)No.1370 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.1370 of 2022

R.Manikandan

... Petitioner

Vs

1. The District Registrar,
Trichy.
2. The Sub Registrar,
Kattuputhur Sub Registrar Office,
Tiruchirappalli District.
3. The Branch Manager,
Union Bank of India, Elurpatti Branch,
Tiruchirappalli District.
4. The Secretary,
Y.M.72, Musiri Kooturavu Thodakka
Velanmai Matrum Ooraga Valarchi Vangi Ltd.,
(Primary Co-Op. Agriculture and
Rural Development Bank Ltd.), Musiri.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its impugned order bearing Niluvai Aavana No.P10/2021, dated 30.09.2021 and to quash the same and consequently direct the 2nd respondent to register the settlement deed, dated 13.08.2021 executed in favour of his wife Pushbarani, within a stipulated period that may be fixed by this Court.

For Petitioner	: Mr.Sudhagar Nagaraj
For R1, R2	: Mr.M.Prakash Additional Government Pleader
For R3	: Mr.R.Pandivel
For R4	: No Appearance

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus questioning the refusal to register the settlement deed, dated 13.08.2022, presented by the petitioner and his wife Pushbarani. The refusal check slip was dated 03.09.2021.

2.The petitioner had stated that he had executed a settlement deed with respect to his properties, in favour of his wife Pushbarani. He had acquired these properties by way of registered Will. He had also obtained a



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loan from the third and fourth respondents and mortgaged the properties in S.Nos. 683/1A, 683/186 at Elurpatti village, Thotiyam Taluk. The second respondent/The Sub Registrar, Kattuputhur Sub Registrar Office, Tiruchirappalli District. had issued a refusal check slip, wherein, he had stated the properties are subjected to mortgage and the original documents are with the fourth respondent. It was also stated that a civil suit is also pending.

3.The learned counsel for the petitioner however states that the mortgage had been discharged and the documents were returned by the third respondent. It is also stated that the property was also mortgaged by the petitioner with the fourth respondent.

4.Even if there is a specific mortgage, that cannot be a bar to register the settlement deed, in view of Division Bench Judgment of this Court in *N.Ramayi Vs The Sub-Registrar, in W.P.No.674 of 2020, dated 05.11.2020*.

5.The other reason given by the second respondent is about the pendency of the suit. The learned counsel for the petitioner states that no



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orders has been passed by the Court attaching the property.

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6.The order impugned is set aside.

7.The petitioner is directed to present the document again for registration and also explain that the mortgage cannot a bar for refusal of execution of settlement deed and that there is no order pending as against the property in the suit. Subject to the satisfaction of the second respondent/the Sub Registrar, Kattuputhur Sub Registrar Office, Tiruchirappalli District, the settlement deed may be registered, if it is otherwise in order.

8.With the above directions, this writ petition stands disposed of.

No costs.

10.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No

PNM

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To

1. The District Registrar,
Trichy.
2. The Sub Registrar,
Kattuputhur Sub Registrar Office,
Tiruchirappalli District.



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C.V.KARTHIKEYAN, J.

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ORDER IN
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