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W.P.No.11379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.11379 of 2024

Kavitha Narendhiran

... Petitioner

Vs.

1.The District Registrar,
Chennai South Registration District,
Integrated Building for Officer of the
Commercial Taxes and Registration,
Department Fanepet,
Nandanam,
Chennai - 600 035.

2.The Sub Registrar,
Neelankarai Sub Registrar Officer,
No.2/92, I Floor,
Kajera Garden Second Street,
Nelangari,
Chennai - 600 115.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in "Refusal Check Slip - Refusal No.RFL.Neelankarai/15/2024 and quash the same and direct



W.P.No.11379 of 2024

the 2nd respondent to register the petitioner's settlement deed executed in favour of her son dated 16.04.2024.

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For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.A.P.Balaji

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.Challenge has been made against the Refusal Check Slip and to direct the 2nd respondent to register the Settlement Deed of the petitioner executed in favour of her son dated 16.04.2024.

3.The case of the petitioner is that the property was allotted in a family arrangement on 06.03.2008 and the said family arrangement has already been acted upon. In this regard, the tenancy agreement was



also registered, however, when the petitioner wanted to execute a Settlement Deed in favour of her son, the same was refused by the Registrar that the family arrangement is not registered.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents and perused the material available on record.

5.It is well settled that the oral partition is not alien to Society. When any partition or family arrangement is effected and reduced into writing, on the same day creating or extinguishing any right in the immovable property, such document requires compulsory registration under Section 17 of the Registration Act. Whereas any other documents recording the past event of oral partition or the family arrangement does not require registration. This aspect has been well settled in the catena of judgments.



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W.P.No.11379 of 2024

6. Therefore, the Registering Authority cannot sit over as a Civil Court to decide the title. In such a view of the matter, the order impugned cannot be sustained in the eye of law and accordingly, the same is set aside. The 2nd respondent is directed to register the document within a period of one month from the date of receipt of a copy of this order. No costs.

24.04.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps



W.P.No.11379 of 2027

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N. SATHISH KUMAR, J,

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