



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17198 of 2021

B.Solaimuthu

...

Petitioner

versus

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Mylapore, Foreshore Estate,
Chennai. Tamil Nadu - 600 028.

2.The District Registrar,
Office of the District Registrar,
Cuddalore.

3.The Sub-Registrar,
O/o.The Sub-Registrar of Veppur,
Veppur Village,
Virudhachalam Taluk,
Cuddalore District.

[R-3 - amended *vide* order of this Court dated 04.10.2021 in
W.M.P.No.22157/2021 in W.P.No.17198/2021]

4.M.Senthil Kumar

5.N.Chinnasamy

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his proceedings dated 20.07.2021 *vide* refusal No.RFL/Veppur-Virudhachalam/21/2021 and quash the same and direct the third respondent to register and release the settlement deed executed by the petitioner in favour of his wife dated 20.07.2021 *vide* TP/103211296/2021 within a time frame fixed by this Court.

For Petitioner	:	Mr.G.Ilamurugu
For Respondent Nos.1 to 3	:	Mr.L.S.M.Hasan Fizal Additional Government Pleader
For Respondent Nos.4 & 5	:	Mr.AR.L.Sundaresan Senior Counsel for Mr.L.Palanimuthu

ORDER

This Writ Petition has been filed challenging the refusal slip dated 20.07.2021 issued by the third respondent, whereby he refused to register the settlement deed presented by the petitioner for registration.

2. It is the case of the writ petitioner that when he presented the settlement deed for registration in respect of an extent of 4.11 acres and the same has been refused to be registered on the ground that the petitioner's



survey number is not tallied with an extent. Challenging the same, the present writ petition has been filed.

3. A counter has been filed by the fifth respondent to the effect that the petitioner and others together are entitled to 1/18th share each as per the preliminary decree passed in O.S.No.270 of 2019. The final decree has not yet been passed. At this stage, executing the settlement deed in respect of the suit scheduled property does not arise at all.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned Senior Counsel for the respondents 4 & 5.

5. Of course, the Registering Authority cannot go into the title. At the same time, the admitted fact that the preliminary decree declared the rights of the parties, the judgment produced before this Court indicates that the petitioner and two others, born through the second wife of one Ramasamy Konar together entitled to 1/18th share. In this sense, the petitioner is entitled to only 1/36 as per the preliminary decree. Such being



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the position, when the final decree has not yet been passed in the matter and still pending, executing the settlement deed in respect of the joint family property which has not been divided by metes and bounds, is not permissible under law.

6. Though the registering authority cannot go into the title, considering the nature of the rights of the petitioner, this Court is not inclined to interfere with the order. It is open to the petitioner to present any other document which is permissible under law to transfer his undivided interest in the joint family property. It is made clear that in the event the final decree is passed, the petitioner can very well deal with the property allotted to him as it is.

7. With the above observations, this Writ Petition is disposed of.

No costs.

25.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

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N.SATHISH KUMAR, J.

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