



WEB COPY



WP.No.17898 of 2019

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.17898 of 2019

S.K.Bupathy Yadav

Vs

...Petitioner

- 1.The District Registrar-
Administration (in the cadre of
Assistant Inspector General of
Registration), Coimbatore.
- 2.The Joint 1 Sub-Registrar,
Registration Office, Coimbatore.
- 3.M.S.Maruthachalam (deceased)
- 4.M.S.Sengathir Prakash
- 5.Manonmani Rajarathinam
- 6.M.Suseela

(R4 to R6 were substituted as
the legal heirs of the deceased
R3 vide order dated 15.7.2024
in WMP.No.20274 of 2024 by
JSNPJ)

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in Na.Ka.No.10754/2018 dated 01.11.2018 and also the order of the 1st respondent confirming the order of the 2nd respondent without adducing any reasons to his order



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passed in Appeal No.1/2018 in 11743/M1/2018 dated 11.6.2019 as illegal and unlawful as the same is passed in violation of procedures contemplated under the Registration Act and the Tamil Nadu Registration Rules, quash the same and also to direct the 2nd respondent to register the settlement deed dated 11.7.2018 executed by the petitioner in favour of Mrs.S.B.Sri Maratham - the petitioner's daughter.

For Petitioner	:	Mr.M.Guruprasad
For R1 & R2	:	Mr.P.Harish, GA
R3	:	died
For R4 to R6	:	Mr.Kingsley Solomon

ORDER

The petitioner executed a settlement deed dated 11.7.2018 in favour of his daughter - Mrs.S.B.Sri Maragatham in respect of the lands measuring 0.25 acres comprised in S.Nos.113/1 and 113/2, Kurichi Village, Madhukkarai Taluk, Coimbatore District. When the said settlement deed was presented for registration, by order dated 01.11.2018, the second respondent refused to register the same on the ground that a civil suit in O.S.No.26 of 2015 on the file of the Fourth Additional District & Sessions Court, Coimbatore has been pending.

2. Aggrieved by the refusal on the part of the second



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respondent, the petitioner filed an appeal to the first respondent. But, by order dated 11.6.2019, the first respondent dismissed by the appeal of the petitioner holding that the dispute is pending in the said suit. Challenging both the orders of the first respondent as well as the second respondent and to issue a consequential direction to the second respondent to register the said settlement deed, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for respondents 1 and 2 and the learned counsel appearing for respondents 4 to 6. This Court carefully gone through materials available on record and more particularly the impugned orders.

4. The second respondent refused to register the settlement deed presented by the petitioner on the ground of pendency of the civil suit. The said suit is one filed for partition of the property, which is the subject matter of the settlement deed. The fact that the said suit is one for partition would clearly indicate that the right of the petitioner to the subject matter has not been denied. It is needless to state that the settlement deed will only be subject to the result of the said suit. As on date, there is no injunction restraining the Registering



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Authorities from registering the settlement deed in respect of the subject property.

5. Therefore, the writ petition is allowed, the impugned orders are set aside and the second respondent is directed to register the settlement deed presented by the petitioner within a period of two weeks from the date of its representation. It is made clear that in the remarks column of the encumbrance, it shall be stated that the registration of the settlement deed presented by the petitioner is subject to the result of the suit in O.S.No.26 of 2015 on the file of the Fourth Additional District & Sessions Court, Coimbatore. No costs.

21.12.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No

To

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RS



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P.T.ASHA,J

RS

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