



WEB COPY



WP.No.19832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19832 of 2023

P.Premavathy

.. Petitioner

Versus

1.The Inspector General of Registration
Office of the Inspector General of Registration
Santhome, Chennai – 600 004

2.The District Registrar
District Registrar Office
1st Floor, Combined Registration Office
No.182, Bharathi Salai, Royapettah
Chennai – 600 014

3.The Sub Registrar
Office of the Sub Registrar
JJ Complex, Thirumangalam
Chennai – 600 003

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the relating to the refusal of registration of a settlement deed made in RFL/Anna Nagar/192/2013 dated 24.02.2023, quash the same and consequently direct the 3rd respondent to register the settlement as proposed by the petitioner.

For Petitioner : Mr.Dhanaram Ramachandran

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the checkslip dated 24.02.2023, quash the same and direct the 3rd respondent to register the settlement presented by the petitioner.

3. It is the case of the writ petitioner that the petitioner had executed a settlement deed document in favour of her daughters on 06.04.2015, the same had subsequently cancelled on 13.07.2022. Thereafter, she has executed a settlement deed in favour of son on 24.02.2023. When presented, the same was refused to be registered on the ground that unilateral cancellation of the earlier deed is not permissible. Challenging the said refusal, the present petition has been filed.

4. Counter has been filed by the third respondent to the effect that since the unilateral cancellation of settlement deed vide Doc.No.3654 of 2022 was executed by the petitioner with regard to the schedule mentioned property which was impermissible as there is no conditional clause in the settlement deed. Therefore, the present settlement deed cannot be accepted for



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registration.

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5. Heard both sides and perused the materials placed on record.

6. This Court is of the view that such refusal is not valid in the eye of law. Though the document is registered as settlement deed by its nomenclature, however, the fact remains that the document is only a will. The recitals in the documents clearly indicate that transfer will effect only after the lifetime of the petitioner and her husband.

7. Such view of the matter, it cannot be said that the earlier deed is an unilateral cancellation of the settlement. Therefore, refusal on the part of the Sub Registrar to register the document cannot be sustained in the eye of law.

8. Accordingly, the impugned refusal checkslip dated 24.02.2023 is set aside and the third respondent is directed to register the settlement deed dated 24.02.2023 presented by the petitioner.

N. SATHISH KUMAR, J.



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WEB COPY 9. In view of the above, this writ petition stands allowed. No costs.

24.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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