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W.P.No.22010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.22010 of 2024

K.Syamala Devi @ Syamala

.. Petitioner

Versus

The Sub Registrar,
Office of the Sub Registrar of Sowcarpet,
2nd Floor, Canara Bank Building,
Armenian Street, Chennai-600 001.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the 'Refusal Check Slip' dated 24.07.2024 bearing Refusal No.RFL/Sowcarpet/13/2024 issued by the Respondent in refusing registration of the Settlement Deed dated 24.7.2024 executed by the petitioner in favour of her son S.Ramesh and set aside the same and consequently, direct the respondent to accept and entertain the said settlement deed for registration.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.P.Anandhakumar,
Government Advocate



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ORDER

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Challenge has been made to the refusal check slip issued by the respondent refusing to register the Settlement Deed dated 24.7.2024 executed by the petitioner in favour of her son S.Ramesh, on the ground that death certificates and legal heirship certificate have not been produced.

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

3. By consent of both parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

4.It is the case of the writ petitioner that the petitioner's maternal grandfather viz.,Gopathy Veeraraghavalu Chettiar settled two properties to an extent of 1500sq.ft., and 2520 sq.ft at Nos.99 and 154, Amman Koil Street, Kondithoppu, Chennai-600 079 respectively, in favour of his daughter Narayana Ammal, the mother of the petitioner herein, who was 12 years old at that time and only on her completing 45 years in the year 1979 and till then Narayana Ammal shall have only enjoyment rights over the said properties after the life time of the settlor-Gopathy Veeraraghavalu Chettiar and he died in the year 1950. The petitioner's mother married one Kuppusamy Chettiar and two daughters were born to them i.e.,the petitioner



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and T.Kanagavalli. Their mother died in the year 1971 and accordingly, each inherited 1/3rd undivided share in the said properties. The petitioner has filed a suit for partition and separate possession in C.S.No.45 of 1977 and pending suit, her father had executed a Will dated 16.06.1982 registered as document No.17 of 1985 in the SRO, Sowcarpet and bequeathed his 1/3rd undivided share in the above mentioned two properties absolutely in her favour. Pending suit, her father died on 31.05.1984. The petitioner filed O.P.No.236 of 1985 before this Court for grant of Letters of Administration and the same was converted as TOS No.21 of 1985. Pending TOS, the suit in C.S.No.45 of 1977 was decreed on 14.07.1986, in which, door No.123, Amman Koil Street property measuring an extent of 2,520 sq.ft., was allotted to the petitioner. When the petitioner has presented the Settlement Deed dated 24.07.2024 for registration, the same has been refused by the respondent on the ground that death certificate of Narayana Ammal, the mother of the petitioner and Legal Heirship Certificate have not been produced. Challenging the same, the present writ petition has been filed.

5. Since the impugned Refusal Check Slip issued itself is non application of mind, no counter is required in this matter.

6. The very reason assigned by the authorities would indicate that



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they want to sit as an appellate authority to all the civil court decrees. As

C.S.No.No.45 of 1977 was decreed on 14.07.1986 allotting 1/3rd share to the petitioner and O.P.No236 of 1986 was also allowed granting Letters of Administration to the petitioner, in which, the 1/3rd undivided share of her father was bequeathed to the petitioner through Will dated 16.06.1982 registered as document No.17 of 1985 in the SRO, Sowcarpet, the respondent-authority again going into the title and directing the parties to produce the document from the year 1941 itself would indicate that the impugned order suffers from clear non application of mind.

7.This Court, in ***Subramani Vs. 1.The Sub- Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai***, by an order dated 26.04.2024 in W.P.No.11056 of 2024, has held that the registering authority cannot go into the title issue.

8. In such view of the matter, the impugned refusal check slip issued by the respondent dated 24.07.2024 refusing to register the Settlement Deed dated 24.07.2024 executed by the petitioner in favour of her son viz., S.Ramesh is quashed and the respondent is directed to register the said Settlement Deed dated 24.07.2024 within a period of two weeks



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from the date of receipt of a copy of this order.

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9. Accordingly, the writ petition stands allowed. No costs.

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

To

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N. SATHISH KUMAR, J.

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