



W.P.No.29228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.29228 of 2024

P.Kanaga

... Petitioner

VS.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The Sub Registrar,
Office of Sub Registrar,
Thamal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of impugned refusal order passed by 2nd respondent in RFL/Thamal/16/2024 and quash the same as illegal arbitrary and non-est in law and consequently direct the 2nd respondent to register the settlement deed and release it to the petitioner within the time stipulated by this Court.

For Petitioner : M/s.Eswar, Kumar and Rao

For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

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By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned Refusal Check Slip in RFL/Thamal/16/2024, dated 09.09.2024 issued by the 2nd respondent refusing to register the Settlement Deed presented for registration, the petitioner has come before this Court.

3. It is the case of the petitioner that the property measuring 17 cents in Old Nanjai S.No.351/1B, New S.No.351/1B1 situated in No.21, Kilambi Village, Kanchipuram Taluk was owned by petitioner's brother-N.Venkatesan by virtue of Release Deed dated 21.09.2016 registered as Document No.1270 of 2016 on the file of the Sub-Registrar Office, Tamal. The petitioner's brother decided to settle a portion of the above mentioned property namely 5 cents in favour of petitioner and executed a Settlement Deed dated 06.09.2024 and the same was presented for registration before



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the 2nd respondent on 09.09.2024 and the same was refused registration by the 2nd respondent. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner submits that the property covered by Settlement Deed is described as a 'Nanja Land' in the document presented for registration and in the Revenue Documents like Patta also, the property is mentioned as a 'Wet Land'. In these circumstances, the reason given by the 2nd respondent that the property is not a cultivable land on ground is not correct. The learned counsel further submitted that the photograph of the property was filed along with document and the same clearly reflects the property is a cultivable land on ground.

5. A perusal of the impugned order passed by the 2nd respondent would suggest the document was refused registration on the ground that the property is not a cultivable land on ground. The 2nd respondent also mentioned that GEO Photograph filed along with the document is not relating to the property covered by the document.



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6. A perusal of the recitals in the document presented for registration would clearly establish the property was described as a 'Nanja Land' in the document. The said recital is corroborated by the revenue documents filed along with the document namely patta. The patta for the property produced in the typed-set of papers in Patta No.262 clearly proves the land has been classified as Wet Land in Revenue Records. In such circumstances, there may not be any impediment for the 2nd respondent to register the document, when the property is conveyed as 'Nanja Land'.

7. As far as the photograph filed along with the document is concerned, the petitioner shall file an affidavit that GEO Photograph filed along with the document is correct photograph of the property covered by the Settlement Deed presented for registration. Based on the affidavit, the 2nd respondent shall register the same.

8. In view of the above discussion, the impugned order in RFL/Thamal/16/2024, dated 09.09.2024 issued by the 2nd respondent is quashed and the petitioner is directed to represent the document before the 2nd respondent along with affidavit mentioning that GEO Photograph filed



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along with the document is the correct photograph of the property covered by the Settlement Deed, within a period of two weeks from the date of receipt of copy of this order. On such representation, the 2nd respondent shall register the same, if it is otherwise in order.

9. With the above direction, the Writ Petition stands allowed. No costs.

14.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2. The Sub Registrar,
Office of Sub Registrar,
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S.SOUNTHAR, J.

dm

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