



WEB COPY



W.P.No. 31641 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 31641 of 2024
and W.M.P.Nos. 34395 & 34397 of 2024

1. A.Mohamed Hussain
2. Mohamed Kasim
3. K.Noor Mahamadhiya

...Petitioners

Vs

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

2. The Sub Registrar
Virugambakkam Sub-Registrar Office
Virugambakkam
Chennai – 600 092

...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 relating to the order/Check Slip in RFL/Virugambakkam/56/2024, RFL/Virugambakkam/57/2024,



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RFL/Virugambakkam/58/2024 dated 29.08.2024, issued by the 2nd respondent and quash the same directing the 2nd respondent to register the three separate Settlement Deeds dated 29.08.2024, presented for registration by the petitioners and return the document to the petitioners after completing all the formalities of the registration.

For Petitioner :Mr.Ralph V. Manohar
For Respondents 1 & 2 :Ms.C.Meera Arumugam
Additional Government Pleader

ORDER

The Writ Petition is filed to quash the impugned Refusal Checks bearing Nos. RFL/Virugambakkam/56/2024, RFL/Virugambakkam/57/2024 and RFL/Virugambakkam/58/2024 dated 29.08.2024 and consequently direct the 2nd respondent to register the Settlement Deeds dated 29.08.2024 in favour of the petitioners.

2. The reason for the refusal is that no partition deed has been executed between the settlors and therefore, the execution of the



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present settlement deeds as though a partition has been effected cannot be registered.

3. In the light of the Judgement passed by this Court in ***Ramayee - Vs - The Sub Registrar and others - (2020 (6) CTC 697)***, the impugned order cannot be sustained as the Registering Authority cannot conduct an enquiry into the title of the executant.

4. In the above circumstances, the Writ Petition is allowed and impugned order dated 29.08.2024 is set aside. The petitioner is directed to represent the settlement deeds along with a copy of the order of this Court before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on such representation, the documents shall be registered. There shall be no order as to costs.

22.11.2024



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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The Inspector General of Registration
Office of the Inspector General of Registration
Santhome,
Chennai – 600 004
2. The Sub Registrar
Virugambakkam Sub-Registrar Office
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P.T.ASHA, J.,

srn

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