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W.P. Nos.31080, 31083, 31085 & 31087 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. Nos.31080, 31083, 31085 & 31087 of 2019

B.Murugan . . . Petitioner in W.P. No.31080/2019

S.Dakshinamurthy . . . Petitioner in W.P.
No.31083/2019

A.Rajkumar . . . Petitioner in W.P. No.31085/2019

M.Dakshinamurthy . . . Petitioner in W.P. No.31087/2019

Vs

The Sub-Registrar
Perambakkam Sub Registrar Office
Thiruvallur District . . . Respondents in all Writ Petitions

PRAYER in W.P. Nos.31080, 31083, 31085 & 31087 of 2019 : Writ petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to release the settlement deed dated 07.03.2018 and registered as document Nos.428 of 2018, 424 of 2018, 425 of 2018 and 427 of 2018 to the petitioners forthwith.



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For Petitioners in : Mr.K.Balaji
all writ petitions

For Respondent in : Mr.P.Anandhakumar, Govt. Advocate
all writ petitions

COMMON ORDER

These writ petitions have been filed directing the respondent to release the settlement deeds dated 07.03.2018, registered as document Nos.428 of 2018, 424 of 2018, 425 of 2018 and 427 of 2018, to the writ petitioners forthwith.

2. It is the case of the writ petitioners that

(i) the petitioner in W.P. No.31080 of 2019 is in possession and enjoyment of the property and building measuring an extent of 167 Sq.mts. bearing Old Survey No.301/12 Part, New Survey No.274/7 situated at Perambakkam Village, Thiruvallur Taluk & District and that the petitioner has settled the said property in favour of his wife on 07.03.2018 and the settlement deed was registered as Document No.428 of 2018 on the file of Sub Registrar, Perambakkam, Thiruvallur District.



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(ii) the petitioner in W.P. No.31083 of 2019 is in possession and enjoyment of the property and building measuring an extent of 167 Sq.mts. bearing Old Survey No.301/12 Part, New Survey No.274/7 situated at Perambakkam Village, Thiruvallur Taluk & District and the petitioner has settled the said property in favour of his wife on 07.03.2018 and the settlement deed was registered as Document No.424 of 2018 on the file of Sub Registrar, Perambakkam, Thiruvallur District.

(iii) the petitioner in W.P. No.31085 of 2019 is in possession and enjoyment of the property and building measuring an extent of 68 Sq.mts. bearing Old Survey No.301/12 Part, New Survey No.274/6 situated at Perambakkam Village, Thiruvallur Taluk & District and the petitioner has settled the said property in favour of his son on 07.03.2018 and the settlement deed was registered as Document No.425 of 2018 on the file of Sub Registrar, Perambakkam, Thiruvallur District.

(iv) the petitioner in W.P. No.31087 of 2019 is in possession and enjoyment of the property and building



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measuring an extent of 66 Sq.mts. bearing Old Survey

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No.301/12 Part, New Survey No.274/1 situated at

Perambakkam Village, Thiruvallur Taluk & District and the

petitioner has settled the said property in favour of his son on

07.03.2018 and the settlement deed was registered as

Document No.427 of 2018 on the file of Sub Registrar,

Perambakkam, Thiruvallur District.

After registration, the documents have not been released to the petitioners without any reason. Representations given by the petitioners have also not been considered and hence the petitioners seek a direction to the respondent to release the documents forthwith.

3. The learned Government Advocate appearing for the respondent would submit that though the Settlement Deeds have been registered on the basis of patta granted by the Revenue Authorities, thereafter it appears that that Pattas have been cancelled as the property is a water body. Therefore, on the basis of the remarks received from the Tahsildar, the documents have not been released.

4. At the outset, this court is of the view that once the registering



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authorities have registered the documents, they cannot withhold the documents, except the document requires any stamp as determined under Section 47-A of the Indian Stamp Act. It is not the concern of the Registering Officer to go into the title and if really patta has been cancelled by the Revenue Authorities, it is a separate issue and it has to be dealt with separately. According to the learned counsel for the petitioner, in this regard, an appeal is also pending in S.L.P. (C) Nos.26020 - 26021 of 2023. An interim order was also granted by the Hon'ble Apex Court on 13.12.2023 in the said petition.

5. In such view of the matter, the respondent is directed to release the settlement deeds registered as document Nos.428 of 2018, 424 of 2018, 425 of 2018 and 427 of 2018, to the writ petitioners, within a period of one month from the date of receipt of a copy of this order. If it is really as contended by the respondent that the property in dispute is a water body and the government land, it is for the concerned government authorities to take action as per law and not by the Sub Registrar.

7. With the above direction, these writ petitions are disposed of. No costs.

10.04.2024



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Index : Yes / No

Speaking/non speaking order

Neutral Citation : Yes/No

Asr

1.The Sub-Registrar

Perambakkam Sub Registrar Office

Thiruvallur District

2.The Government Pleader

High Court, Madras

N. SATHISH KUMAR, J.

Asr



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