



W.P.No.33004 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33004 of 2024

Suman Kitcha

...Petitioner

Vs.

1. The Sub-Registrar
Registration Department,
Ponneri 601 204.

2. The District Registrar
Registration Department,
Thiruvallur District 602 001

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus calling for records of the 1st respondent in RFL / Ponneri / 163 / 2024 dated 18.09.2024 refusing to the register the settlement deed dated 18.09.2024 executed by the petitioner in



W.P.No.33004 of 2024

respect of properties bearing Survey Nos. 287/4, 5A, 5B, 288/4B, 5A, 6A, 7A and 8A of Neduvarambakkam Gillage, Hamlet of Thatchoor Group II Revenue Village, Ponneri Taluk, Thiruvallur District and to quash the same and consequently direct the 1st respondent to register the document without insisting for production of discharge receipt for Memorandum of Deposit of Title Deeds dated 04.12.2009, bearing Doc. No. 7868 of 2009, SRO, Ponneri.

For Petitioner : Mr. M.V.Seshachari

For Respondents : Mr. B.Vijay
Additional Government Pleader.

ORDER

Challenging the refusal check slip issued by the 1st respondent, the petitioner is before this Court.

2. The petitioner had submitted a settlement deed dated



W.P.No.33004 of 2024

18.09.2024 in and by which she had settled undivided half share in favour of her daughter, Ridhi. The 1st respondent refused to register the settlement deed on the ground that the Memorandum of Deposit of Title Deeds dated 14.12.2009 had not been discharged. Therefore, the petitioner is before this Court.

3. The Sub Registrar / 1st respondent is bound to register the above settlement deed since it is not within the realm of his authority to question the registration of the said deed as it does not come within the grounds set out in Section 22 – A of the Registration Act.

4. That apart, the person accepting the settlement accepts it subject to mortgage. Further, it is the case of the petitioner that the amounts have been settled to the Bank, which has issued no due certificate. A letter showing that the entire amounts have been settled has been filed along with the typed set of papers. Therefore, there is absolutely no impediment for registering the settlement deed.



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W.P.No.33004 of 2024

5. Therefore, the Writ Petition is allowed. The petitioner is directed to re-present the settlement deed, within a period of 2 weeks from the date of receipt of a copy of this order. Within 2 weeks of the representation, the settlement deed shall be registered. No costs.

11.11.2024

Index : Yes/No
Internet : Yes/No
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W.P.No.33004 of 2024

To

1.The Sub-Registrar
Registration Department,
Ponneri 601 204.

2.The District Registrar
Registration department,
Thiruvallur District 602 001



WEB COPY



W.P.No.33004 of 2024

P.T. ASHA, J,

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W.P.No. 33004 of 2024



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W.P.No.33004 of 2024

11.11.2024