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W.P.No.35803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.35803 of 2024

K.Jaya @ Jayalakshmi

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Namakkal,
Namakkal District.

2. The Sub Registrar,
Sub Registrar Office,
Rasipuram,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to complete the process of compulsory registration of the settlement deed dated 10.10.2008 (Pending Doc.No.41/2008) under Rule 58 of the TN Registration Rules, 1908, in line with the direction issued in Para Nos.16 and 17 of the judgment dated 12.10.2023 made in A.S.No.469 of 2019.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.C.Meera Arumugham



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Additional Government Pleader

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ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents to complete the process of compulsory registration of the settlement deed dated 10.10.2008 (Pending Doc.No.41/2008) under Rule 58 of the TN Registration Rules, 1908, in line with the direction issued in Para Nos.16 and 17 of the judgment dated 12.10.2023 made in A.S.No.469 of 2019.

2. Despite orders of the Hon'ble Division Bench of this Court on 12.10.2023 in A.S.No.469 of 2019, directing the 2nd Respondent herein to complete the proceedings for compulsory registration within a period of six (6) months from the date of receipt of the documents by him from the District Court by following the procedure contemplated under Rule 58 of the Registration Rules, the 2nd Respondent as to date has not complied with the order passed by the Hon'ble Division Bench of this Court.



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3. The facts are briefly set out herein below:-

The Petitioner's father had executed a Sale Deed dated 10.10.2008 in favour of the Petitioner in respect of one of his self-acquired properties and he died before the same could be presented for registration. The Petitioner has therefore, obtained the death certificate and legal heirship certificate and presented a petition dated 10.12.2008 under Rule 58 before the 2nd Respondent to register the Settlement Deed dated 10.10.2008 for compulsory registration. The 2nd Respondent had received the document and issued a pending number to the same. Thereafter, he had sent an enquiry notice calling upon the Petitioner for an enquiry on 30.12.2008. The Petitioner would submit that during the enquiry he had examined himself before the 2nd Respondent two other witnesses and the scribe of the Settlement Deed dated 10.10.2008. The witnesses were cross-examined at length by the Petitioner's younger sister. While the proceedings were pending she had filed a suit in O.S.No.25 of 2009 on the file of the learned Principal District Court,



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Namakkal for a partition and permanent injunction restraining the Respondents from continuation with the process of registering the Settlement Deed. She had also filed I.A.No.57 of 2009 in O.S.No.25 of 2009 to send for the Settlement Deed dated 10.10.2008 from the 2nd Respondent to the Court. The same was allowed on 10.08.2009 and marked as Ex.A3. As a result, the Petitioner was unable to get the document registered. The learned District Judge rejected the Settlement Deed dated 10.10.2008 as not valid and decreed the suit for partition. Aggrieved by the same, the Petitioner had filed A.S.No.469 of 2019 before this Court and the Hon'ble Division Bench by its Judgement dated 12.10.2023 held that Section 49 of the Registration Act prohibits admission of an unregistered Settlement Deed. Therefore, the findings of the learned Trial Court declaring the Settlement Deed invalid were set aside and the appeal suit was allowed and pursuant to this Judgement, the 2nd Respondent had called the petitioner for enquiry on 03.10.2024. However, the Respondents had not complied with the Order passed by the Hon'ble Division Bench of this Court in A.S.No.469 of 2019. Therefore, the Petitioner has come forward with this Writ Petition for a Mandamus. As already submitted a positive direction was issued to the Respondents to conduct the proceedings under Registration Rules once the



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document is sent back from the District Court.

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4. Mr.N.Manokaran, learned counsel for the Petitioner would submit that the documents had also been sent by the learned District Judge to the 2nd Respondent vide Letter No.4147 of 2024 dated 10.05.2024. Therefore, the Respondents are bound to comply with the Orders passed in A.S.No.469 of 2019.

5. Under these circumstances, the Writ Petition is allowed by directing the Respondents to complete the enquiry for compulsory registration of the settlement deed dated 10.10.2008. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No



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Note: Post on 06.01.2025 for reporting compliance

P.T.ASHA, J.

rgm

To

1. The District Registrar,
District Registrar Office,
Namakkal,
Namakkal District.
2. The Sub Registrar,
Sub Registrar Office,
Rasipuram,
Namakkal District.

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