



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.35568 of 2023

Selvarani

... Petitioner

Vs.

The Joint Sub Registrar
Tirunavalur

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to register and release the settlement deed executed by the petitioner on 01.08.2023 and presented for registration in P/Tirunavalur/21/2023.

For Petitioner : Mr.N.Suresh

For Respondent : Ms.Akila Rajendran
Government Advocate

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondent to register and release the settlement deed executed by the petitioner on 01.08.2023 and presented for registration in P/Tirunavalur/21/2023.



2. The contention of the petitioner is that the petitioner is the absolute owner of the property in S.No.1/1 measuring 0.42.5 ares (1.05 acres) situated at Parugampattu Village, Ulundurpet Taluk. The petitioner's husband had settled the said property in favour of the petitioner on 24.09.2013 and that the petitioner has been in possession and enjoyment of the property. The petitioner executed a settlement deed in favour of her daughter and sons on 01.08.2023 and presented the document for registration before the respondent and also paid all the necessary registration charges. But the respondent having given a pending document number, withheld the document and so far not registered the same. Hence the present writ petition is filed.

3. The respondent has filed a counter affidavit stating that the petitioner has no right over the property and it is a temple property.

4. As per the judgment of the Hon'ble Division Bench of this Court, if a document which is presented for registration is otherwise in order and the Registrar is satisfied with the document, he has to register the same and in case he receives any objection or if there are objectors/rival claimants, the Registrar has to issue notice to all the parties and conduct enquiry and after completion of enquiry, if the Registrar finds that the document is otherwise in



order, he has to register the document or else, he has to refuse to register the document and without passing any orders, he cannot keep a document unnecessarily.

5. In this case, the respondent has not denied that the petitioner has presented the document for registration. Hence, the respondent is directed to issue notice to the petitioner and also to the objectors/rival claimants/HR & CE as the case may be and conduct enquiry in the manner known to law and after giving opportunity of hearing to all the parties, pass orders on merits and pass orders in accordance with law. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

18.01.2024

ksa-2
Index : Yes / No
Neutral Citation Case : Yes/No



To

The Joint Sub Registrar
Tirunavalur

W.P. No.35568 of 20





WEB COPY

W.P. No.35568 of 2023



P.VELMURUGAN. J.

Ksa-2

W.P. No.35568 of 2023

18.01.2024