



W.P.No. 36807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36807 of 2024

M.Manoharan

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The Sub-Registrar,
Office of Sub-Registrar,
Sungavarchathram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order passed by the 2nd respondent in RFL/Sunguvarchatram/11/2024, dated 24.09.2024 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the 2nd respondent to register the executed settlement deed dated 24.09.2024 and release the registered settlement deed to the petitioner within the



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time stipulated by this Court.

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For Petitioner : Mr.S.Santhosh

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

Aggrieved by the refusal check slip issued by the 2nd respondent to the settlement deed dated 24.09.2024, when presented for registration, the petitioner is before this Court.

2. The 2nd respondent has refused to register the settlement deed dated 24.09.2024, on the ground that there was no proper devolution of title in favour of the petitioner in the said document.

3. Heard the learned counsels on either side.

4. The fact that the refusal check slip is mechanically given is squarely proved from a mere perusal of the impugned order. The 2nd



respondent has refused to register the settlement deed for the following reasons:

(a) one of the legal heirs Kannammal alone has executed the settlement deed in favour of her son in respect of the entire property and that she processed to settle the entire extent in favour of her son.

(b) The Death Certificate and Legal Heirship Certificate of Visalakshmi Ammal has not been attached along with the document.

(c) Whether all other legal heirs are authorised by the petitioner to execute the document and whether the document has been executed and any authority has been given to the petitioner.

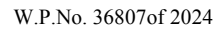
5. It has been time and again held by this Court that the registering authority should act within the authority, vested on them under Registration Act and not conduct a roving enquiry and decide on title.

6. Mere perusal of the impugned order would clearly show that



the registering authority is examining the title of the petitioner to the property concerned. After the death of Visalakshmi Ammal, the properties devolved on the legal heirs, namely Rathinam, Masilamani, Kanniyappan, Elumalai and Kannammal. Whiles, Kumarasamy, son of Rathinam had filed a declaratory suit claiming ownership of the entire property. This suit was dismissed by the competent civil court and each of the legal heirs of Visalakshiammal were entitled to 1/5th share in the subject property. Meanwhile, one Balakrishnan had created a fraudulent sale in favour of Jayalakshmi, claiming title to the property vide Doc.No.3465 of 1987. The petitioner's mother had authorised the petitioner to file a complaint for land grabbing before the District Registrar, Chengalpattu and the District Registrar, by order dated 30.05.2018 held that the Doc.No.3465 of 1987 was executed fraudulently and directed to initiate criminal proceedings of the parties concerned.

7. From the aforesaid narration, it could be safely held that the



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ssn

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P.T.ASHA, J.,

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