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WP.No.37513 of 2024

In the High Court of Judicature at Madras

Dated : 17.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37513 of 2024

N.Madhavan

...Petitioner

Vs

The Sub Registrar,
Gummidipoondi Sub Registrar
Office, Gummidipoondi-601201.
Tiruvallur District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to release the original Settlement Deed dated 30.8.2024 vide Document No.P/Gummidipoondi/233/2024 registered at Sub Registrar Office, Gummidipoondi, after assigning regular document number, to the petitioner and also to pay costs of this writ petition.

For Petitioner : Mr.R.Munusamy
For Respondent : Mr.M.Shahjahan, SGP

ORDER

Seeking a Mandamus to the respondent to release the original settlement deed dated 30.8.2024 vide doc.No.P/Gummidipoondi/233/2024 registered on the file of the respondent.



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2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The petitioner's father was the absolute owner of the agricultural lands in S.No.405/2B measuring 0.60 1/2 acre, S.No. 405/2D measuring 0.28 acre, S.No.422/6A measuring 0.43 acre, S.No. 422/ 6B2 measuring 0.40 1/2 acre, S.No.425/1A1 measuring 0.12 1/2 acre, S.No.425/8A measuring 0.12 1/2 acre, S.No.428/1B measuring 0.25 acre, S.No.405/2B measuring 0.60 1/2 acre, S.No.428/1C measuring 0.28 1/2 acre, S.No.428/2 measuring 1.20 acre and S.No. 429/6A measuring 0.25 acre, all situated at Kizhmudalambedu Village, Gummidipoondi Taluk, Thiruvallur District. His father also owned the gramamatham site in G.R.S.No.90/16 measuring 94 sq.meters, G.R.S. No.90/17 measuring 42 sq.meters, G.R.S.No.90/106 measuring 73 sq.meters and G.R.S.No.90/107 measuring 84 sq.meters at Peruvoyal Village, Gummidipoondi Taluk, Thiruvallur District.

(ii) The parents of the petitioner namely Mr.Narayanaswamy and Mrs.Jayalakshmi had one more son and a daughter namely Mr.N.Raman and Ms.N.Ambika. The petitioner's father died on 17.4.1978 and his mother died on 06.10.1998. On the demise of his



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parents, all the three of them became entitled to the properties owned by their parents.

(iii) However, the petitioner's brother - the said Mr.N.Raman got the patta transferred in his favour for the properties owned by their parents and started claiming exclusive ownership over the same. Therefore, the petitioner's sister demanded for a partition of her 1/3rd share from the properties. Though the petitioner agreed to the same, his brother did not agree. Hence, the petitioner's sister filed a suit in O.S.No.129 of 2016 on the file of the Principal District and Sessions Court, Tiruvallur against the petitioner and his brother for the relief of partition and separate possession of her 1/3rd share. The said suit was later transferred to the file of the Fourth Additional District & Sessions Court, Tiruvallur at Ponneri. In the said suit, the petitioner agreed to submit to a decree. However, the petitioner's brother objected to the same. Ultimately, a preliminary decree was passed in the said suit on 27.11.2017. Thereafter, a final decree was also passed on 27.8.2021.

(iv) Aggrieved by the said preliminary decree, the petitioner's brother filed an appeal in A.S.SR.No.86435 of 2019 before this Court. As the appeal was filed before this Court with inordinate delay, C.M.P.No.16130 of 2019 was also filed. After contest, the said civil miscellaneous petition came to be dismissed on 29.1.2020 by a



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Division Bench of this Court. As Against the said order dated 29.1.2020, the petitioner's brother filed a special leave petition in S.L.P.(Civil) No.7538 of 2020 before the Hon'ble Supreme Court and it was also dismissed by order dated 07.3.2024. Therefore, the decree passed in the said suit has attained finality.

(v) Subsequently, the petitioner decided to settle his share of the properties in favour of his wife - Mrs.Umadevi. When the settlement deed was presented to the respondent for registration, he kept it pending demanding that the petitioner should obtain a no objection certificate from his brother. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the material records.

5. It is rather unfortunate that the Registering Authorities, without passing orders on the document by either registering or refusing to register the documents presented, keep the same pending. The very demand made by the respondent for getting a no objection certificate from the petitioner's brother is, to say the least, absurd. The competent Civil Court has granted a decree for partition and a final decree came to be passed granting separate shares to the parties. The



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petitioner's brother is entitled to 1/3rd share and the petitioner is also entitled to 1/3rd share. It is not known as to why the respondent kept the document pending when the petitioner executed the settlement deed in favour of his wife only in respect of the properties allotted to him in the partition suit pursuant to the decree passed and that too, after contest.

6. In the light of the above, the writ petition is allowed and the respondent is directed to register the settlement deed, which is kept pending before the respondent, within a period of one week from the date of receipt of a copy of this order. No costs.

17.12.2024

To
The Sub Registrar
Gummidipoondi Sub Registrar Office
Gummidipoondi 601 201
Tiruvallur District.

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P.T.ASHA,J

RS

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