



W.P.(MD)No.17008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17008 of 2022

A.Brindha Devi

... Petitioner

Vs.

1.The Joint Sub-Registrar No.III,
Joint Sub-Registrar Office No.III,
Trichy.

2.M.Naveen Kumar

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice passed by the 1st respondent vide his proceedings in Na.Ka.No.537/2022 dated 25.07.2022 and quash the same and consequently direct the 1st respondent to release the Settlement Deed dated 22.07.2022 which was kept as a pending Document in P/3 No. Joint Sub-Registrar, Trichy/44/2022 to the Petitioner.

For Petitioner : Mr.C.Varkeeswaran

For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1
M/s.H.Jasima Yasmin
for M/s.Ajmal Associates for R2



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.537/2022 dated 25.07.2022 and quash the same and consequently direct the 1st respondent to release the Settlement Deed dated 22.07.2022 which was kept as a pending Document in P/3 No. Joint Sub-Registrar, Trichy/44/2022 to the Petitioner.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

3. It is the case of the writ petitioner that the subject property belonged to one S.K.K.Radhakrishnan Chettiyar and he had a daugther viz., Sarojini Ammal. The said Sarojini Ammal married to one Kasthuri Rengan Chettiyar and they had no children. S.K.K.Radhakrishnan Chettiyar adopted his own brother's son viz., Lakshmana Chettiyar, who is the father of the petitioner. On 25.08.1972, a registered relinquishment partition deed was effected between the said S.K.K.Radhakrishnan Chettiyar and her daughter Sarojini ammal, in which 'A'



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schedule property was allotted to Sarojini Ammal and 'B' schedule property was allotted to S.K.K.Radhakrishnan Chettiyar. Thereafter, on 07.04.1994 the said Sarojini Ammal created a registered Will, in which 'A' schedule property was given to the petitioner. After her demise, the petitioner enjoyed the said property and the petitioner has also mutated all the revenue records in her name. On 27.02.2022, the petitioner executed a settlement deed in respect of the subject property to her husband viz., M.Arivalagan. When the petitioner presented the settlement deed for registration, the same was refused to be registered and kept as pending document on the ground that an objection petition was filed by the 2nd respondent.

4. The respondents have not filed counter affidavit.

5. The petitioner traces title on the basis of the Will left by Sarojini Ammal. The second respondent, stated to be a relative thorough the husband of the Sarjonini Ammal, claims right over the property. Be that as it may. Merely on the basis of a protest petition, the document cannot be refused to be registered. If at all the second respondent has any right over the property, even after the registration of the document, he can very well establish the same before the



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concerned civil Court and the Registering Authority has no power to decide the title as declared by the Hon'ble Supreme Court in ***Subramani Vs. 1.The Sub-Registrar, Office of the SubRegistrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]***.

6. In such view of the matter, impugned order passed by the first respondent vide his proceedings in Na.Ka.No.537/2022 dated 25.07.2022 stands quashed and the Writ Petition is allowed. The first respondent is directed to register and release the settlement deed dated 22.07.2022, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. It is for the second respondent to establish his right in a competent civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To
The Joint Sub-Registrar No.III,
Joint Sub-Registrar Office No.III,
Trichy.



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N.SATHISH KUMAR, J.

vsm

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