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W.P.No.2064 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2064 of 2025

J.Rajasekaran

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai, Tamil Nadu - 600 028.
2. The District Registrar,
Chennai North,
Kurlagam,
Chennai - 600 108.
3. The Sub-Registrar,
Sembium Sub Registrar Office,
No.340, Paper Mill Road,
Jagannathan Colony,
Perambur, Chennai - 600 011.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records in the impugned order dated NIL passed by the 3rd respondent, quash the same as illegal and further direct the respondents to release the registered Doc.No.4510 of 2024, pending on the office of 3rd respondent to the petitioner within a specified time.



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For Petitioner : Ms.Yash Rathir

For Respondent : Mr.B.Vijay,
Additional Government Pleader

ORDER

The Writ Petition is filed for a Certiorarified Mandamus to quash the order passed by the third respondent and to direct the release of the registration bearing Doc.No.4338 of 2024, which is pending on the file of the third respondent.

2. It is the case of the petitioner that he had registered a Settlement Deed dated 05.12.2024 in favour of his sister, namely Bhuvaneswari. The same was registered as Doc.No.4338 of 2024 on the file of the third respondent. The petitioner had paid the necessary stamp duty as fixed by the Registration Department.

3. The petitioner would submit that by an oversight, the title in the settlement deed was shown as "FATHER TO SON" instead of "BROTHER TO SISTER". Therefore, to rectify this error, the petitioner had executed a Rectification Deed dated 18.12.2024, and the same was registered as Doc.No.4510 of 2024. However, the third respondent did not release the



document and thereafter issued a letter dated 18.12.2024 stating that an additional stamp duty of Rs.49,000/- had to be paid, and on such payment, it would be released. Challenging this order, the petitioner is before this Court.

4. Mr.Vijay, learned Additional Government Pleader appearing on behalf of the respondents would submit that the Brother and Sister would not fall within the scope of the rectification deed, it is the parties to the document who are not a family members, and therefore, the additional stamp duty is leviable and he would justify the impugned letter.

5. Heard the learned counsels on either side.

6. A perusal of the settlement deed would clearly show that the parties have been described by name and as children of Susheela and Jegadeesan. In the document itself, it has been clearly set out as follows:-

"Now, the SETTLOR, out of the natural love and affection, which he has for the SETTLEE, who is the SETTLOR's Sister, is desirous of settling the SCHEDULE "B" PROPERTY upon the SETTLEE absolutely, by this deed without any reservation".

7. Therefore, the relationship of the petitioner and the SETTLEE in



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the settlement deed has been clearly described in the document itself. It is only in the title that they have been described in the "FATHER" and "SON", which is purely a typographical error, and the requisite stamp duty has already been paid for the settlement deed. Therefore, the impugned letter is set aside. The third respondent is directed to release the registered Document No.4510 of 2024 within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. No costs.

28.01.2025

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1. The Inspector General of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai, Tamil Nadu - 600 028.

2. The District Registrar,
Chennai North,



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Kurlagam,
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3. The Sub-Registrar,
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