



WEB COPY



W.P.No.3253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 3253 of 2025**

Raviraj John Yesudass @ Jesudoss

...Petitioner

Vs.

The Sub Registrar,  
Office of Sub Registrar,  
Selaiyur,  
Chennai

...Respondent

**Prayer:** Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 05.06.2024 bearing order no. 03/2024 passed by the respondent, quash the same and direct the respondent to receive, register and release the Settlement Deed dated 30.04.2024 presented by the petitioner.



WEB COPY



W.P.No.3253 of 2023

For Petitioner : Mr. R.Ragavendran  
For Respondent : Mr. C.Sathish  
Government Advocate.

### **ORDER**

The Writ Petition is filed for the following relief:

*“To call for the records relating to the impugned order dated 05.06.2024 bearing order no. 03/2024 passed by the respondent, quash the same and direct the respondent to receive, register and release the Settlement Deed dated 30.04.2024 presented by the petitioner”.*

2. The Writ Petition is filed to quash the impugned order dated 05.06.2024 and direct the respondent to receive, register and release the settlement deed dated 30.04.2024.



W.P.No.3253 of 2023

WEB COPY

3. It is the case of the petitioner that the property comprised in Old.S.No.12/1 & 12/2A, New Survey No.12/1E1A1 and 12/2A8A1, measuring an extent of 9228 sq.ft., in Durga Colony, 1<sup>st</sup> Cross Street, Rajakilpakkam, Tambaram Taluk and Chengalpattu District, was owned by the petitioner who had purchased the same under a sale deed dated 18.03.2008.

4. The petitioner sold an extent of 2000 sq.ft., from out of a larger extent of 9228 sq.ft., to one Mohan Kumar under sale deed dated 17.04.2015, 1250 sq.ft., to one V.Saranya, under a sale deed 23.11.2017 and 1250 sq.ft., to one Ilango under a sale deed dated 15.03.2018.

5. By reason of the aforesaid transaction, the petitioner had retained an extent of 4728 sq.ft., which he had settled on his sister Mohini Austin D Silva, under a settlement deed dated 01.04.2019. She inturn executed a registered Will bequeathing the lands in favour of the



W.P.No.3253 of 2023

petitioner. Thereafter, the said Mohini Austin D Silva died on 06.10.2024 and the Will came into effect.

WEB COPY

6. The petitioner on 30.04.2024 executed a settlement deed bequeathing this extent in favour of his other sister Rita Jayawant Mathews, which is presented before the respondent. Thereafter, the respondent passed the impugned order refusing to register the said document stating that the Will does not speak about the flow of title to the petitioner's sister and there is no description of the property / land in the said document and had cancelled the same.

7. Aggrieved by the above, the petitioner is before this Court.

8. Heard the learned counsels on the either side and perused the records.

9. One of the grounds which the registering authority has taken to reject the document is one where it has exercised the power beyond



W.P.No.3253 of 2023

WEB COPY

those granted under the Registration Act. The reason for the rejection is absurd since the Will in question need not be examined in isolation as the other documents namely sale deed dated 18.03.2006, under which the petitioner had purchased the property and the settlement deed executed by him in favour of his sister Mohini Austine D Silva, would show how the said Mohini Austine D Silva had got right title and interest to the property.

10. Further, the settlement deed under which the petitioner now seeks to settle the property on his sister Rita Jayawant Mathews, clearly traces title of the property and reference is made to the Will of Mohini Austine D Silva. Therefore, apprehension of the respondent that the flow of title has not been properly described is absolutely misconceived. The respondent's scope of enquiry is restricted to the provisions of Section 34 and the reason for rejection now made does not come within four corners of the circumstances given in Section 34 of the Act.



W.P.No.3253 of 2023

WEB COPY

11. Therefore, the Writ Petition is allowed. No costs.

**31.01.2025**

Index : Yes/No

Internet : Yes/No

kan



W.P.No.3253 of 2023

WEB COPY  
To

The Sub Registrar,  
Office of Sub Registrar,  
Selaiyur,  
Chennai



WEB COPY



W.P.No.3253 of 2025

**P.T. ASHA, J,**

kan

**W.P.No. 3253 of 2025**

**31.01.2025**