



W.P.No.6012 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.6012 of 2021
and WMP No.6666 of 2021

E.Ramakrishna Naidu

....

Petitioner

-Vs-

1.The Inspector General of Registration
Govt. of Tamil Nadu
Santhome High Road,Chennai 600 004.

2.The Sub-Registrar
O/o.The Sub-Registrar
Avadi.

3.R.Hema Maheswari

4.R.Mahalakshmi

5.K.V.D.Kishore Kumar

6.Tahsildar
Ambattur Taluk
Previously Tiruvallur District
Present Chennai District.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to register the Settlement Deed dated 17.12.2020 executed by the petitioner in favour of his son Mr.Sekar, taken on file in Pending No.P/AVADI/346 fo 2020 and to refund the said document to the petitioner.



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For Petitioner : Mr.Om Prakash
Senior Counsel
for M/s.Ramalingam Associates

For Respondents : Mr.K.Karthick Jagannath
Government Advocate
for R1, R2 & R6

Mr.S.Thankasivan
for R3 to R5

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to register the sale deed dated 17.12.2020 executed by the petitioner in favour of his son.

2.Heard Mr.Om Prakash, learned Senior Counsel for the petitioner, Mr.K.Karthick Jagannath, learned Government Advocate for R1, R2 & R6 and Mr.S.Thankasivan, learned counsel for R3 to R5

3.The case of the petitioner is that pursuant to the proceedings of the Assistant Settlement Officer dated 10.03.2003, patta was granted in favour of the petitioner and also the adjoining owner. Insofar as the petitioner is concerned, the patta was issued for Survey Nos.294/3, 294/4 and 294/5 [part] for a total extent of 26.60 cents. Subsequently, the sisters of the petitioner seems to have submitted representation before the Tahsildar claiming right over the property. Based on the same, the

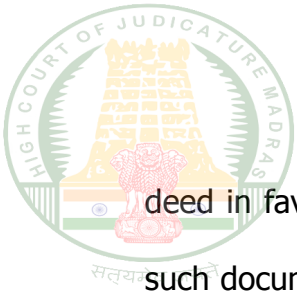


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Tahsildar, Ambattur through proceedings dated 18.02.2010 granted patta to the petitioner only for 1/4th share in the property. For the balance extent, the patta was granted in favour of R3 to R5 who are the purchasers from the sisters of the petitioner.

4.The private respondents also filed a suit in OS.No.121 of 2018 before the District Munsiff Court, Ambattur, seeking for the relief of permanent injunction and this suit is pending. In the meantime, the petitioner wanted to settle the property in favour of his son and accordingly executed settlement deed dated 17.12.2020. When the same was presented for registration, the Sub Registrar refused to register the document on the ground that the petitioner has patta only to an extent of 1/4th share in the subject property and whereas the petitioner has executed the settlement deed for an extent of 26.60 cents. Aggrieved by the same, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the *inter se* rights of the parties is now a subject matter before the learned District Munsif, Ambattur in O.S.No.121 of 2018. While so, if the petitioner is allowed to execute the settlement deed for the entire extent of 26.60 cents, it may cause prejudice to the rights claimed by the private respondents. Hence in order to strike a via media and in order to strike a balance between both the parties, the petitioner can be permitted to execute a settlement



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deed in favour of his son to an extent of 1/4th share in the subject property. If any such document is presented for registration, by showing the extent as 1/4th share in the subject property, the same can be entertained and registered. This shall be done without prejudice to the rights of the petitioner and the private respondents who are already agitating their rights before the Competent Civil Court. This order is passed considering the age of the petitioner and without going into the merits of the case. Therefore, the order passed in this writ petition will not have any bearing before the Civil Court where the suit is pending and it is left open to both the parties to raise all the grounds and the same will be considered on its own merits and in accordance with law.

6.Considering the fact that the suit is pending from the year 2018 and considering the age of the parties, this Court is also inclined to direct the learned District Munsif, Ambattur, to dispose of OS.No.121 of 2018, within a period of three months from the date of receipt of copy of the order. The rights of the parties will be subject to the final determination made by the Civil Court in the suit.

7.In the result, this writ petition is disposed of by permitting the petitioner to execute the settlement deed in favour of his son for an extent of 1/4th share in the subject property and as and when such document is presented for registration, the same shall be registered by the 2nd respondent, if it is otherwise in order.



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8.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KP

To

- 1.The Inspector General of Registration
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N.ANAND VENKATESH, J.

KP

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