



WEB COPY

WP No. 12777 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12777 of 2025

1. J.K.Sellvarani

W/o (late) R. Rangaprakash,
No 6/B, A.P. Arasu Street, Ramngar,
Ambattur, Chennai 600 053

Petitioner(s)

Vs

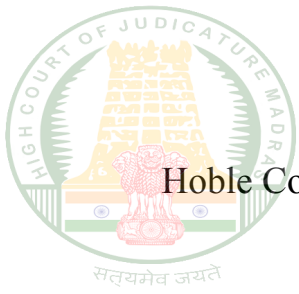
1. The Sub Registrar

Office Of The Sub Registrar, Ambattur,
Chennai

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Certiorarified Mandamus to call for the records of the respondent relating to Refusal Check Sli No RFL / Ambattur / 17 / 2024 Sub-Registrar, Ambattur dated 29.07.2024 and quash the same as illegal and consequently direct the respondent to receive and register the Settlement Deed presented by the petitioner as per the Registration Act 1908 within time frame as fixed by the



Hoble Court.

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For Petitioner(s): Mr.V. Karthikeyan
For Respondent: Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 29.07.2024 issued by the respondent and for a consequential direction to the respondent to register the settlement deed executed by the petitioner in favour of her son.

2. Heard Mr.V.Karthikeyan, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondent.

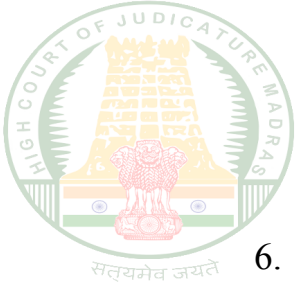
3. It is seen from records that the petitioner was married to one Ranga Prakash. The property belonged to his mother and she executed three settlement deeds dated 04.05.2018 in favour of her two sons and one daughter. Thus, the said Rangaprakash got 1/3rd share in the property. Unfortunately, he predeceased his mother on 01.03.2023 leaving behind his mother, wife and children. The mother in law of the petitioner also died on 06.05.2024. The petitioner wanted to settle 1/3rd share in the property which was owned by her husband, in favour of her son. When this settlement deed was presented for registration, the



respondent refused to register the same on the ground that since the petitioner's husband predeceased his mother, the petitioner has only 50% share and the mother has obtained 50% share and on her demise, her 50% will devolve upon the other legal heirs under Section 15 of the Hindu Succession Act. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the respondent need not get into the complicated issue of determining title and share in the property. Such a right that was available under Rule 55A (i) of the Registration Rules has been struck down by the Apex Court in a recent judgement in Civil Appeal No.3954 of 2025 in ***[K.Gopi Vs. The Sub Registrar and others]*** dated 07.04.2025. The Apex Court has held that the Registrar cannot refuse to register the document if all the procedural formalities have been complied with and it is not the function of the Registrar to decide the title over the property.

5. In the light of the above discussion, the impugned refusal check slip issued by the respondent relating to Refusal Check Sli No RFL / Ambattur / 17 / 2024 dated 29.07.2024 is hereby quashed and there shall be a direction to the respondent to entertain the settlement deed and register the same, if it is otherwise in order,



6. This writ petition is allowed with the above directions. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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