



W.P.No.2726 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 18.03.2025

CORAM

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

W.P.No.2726 of 2021

K.Chakkarai Gounder

.. Petitioner

**Vs.**

1.The Sub Registrar,  
Arani.

2.The District Registrar,  
Cheyyar,  
Thiruvannamalai District.

3.Palani Gounder

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2<sup>nd</sup> respondent dated 03.08.2020 in N.1268/A1/2020, confirm the order of the 1<sup>st</sup> respondent dated 24.03.2020 and quash the same as illegal, arbitrary and without jurisdiction and consequently direct the 1<sup>st</sup> respondent to register the Settlement Deed pending as Document No.44 of 2019, dated 08.05.2019 on the file of SRO, Arni.



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For Petitioner : Ms.S.Shyamala  
For RR 1 & 2 : Mr.P.Harish  
Government Advocate  
For R3 : Mr.Balaji Singh

### **ORDER**

This writ petition has been filed challenging the impugned proceedings of the 2<sup>nd</sup> respondent dated 03.08.2020 which confirmed the proceedings of the 1<sup>st</sup> respondent dated 24.03.2020 and for a consequential direction to the 1<sup>st</sup> respondent to register the settlement deed that was kept as a pending document in P.No.44 of 2019.

2.Heard the learned counsel for the petitioner, the learned Government Advocate for respondents 1 & 2 and the learned counsel for the 3<sup>rd</sup> respondent.

3.The 1<sup>st</sup> respondent had refused to register the settlement deed executed by the petitioner in favour of his son mainly on the ground that a protest petition was given by the 3<sup>rd</sup> respondent and that there was absolutely no explanation on the derivation of the title and a joint patta was issued with respect to the subject property.



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4.This Court has carefully considered the submissions made on either side and the materials available on record.

5.It is seen from records that the petitioner's father was owning lands in T.S.Nos.29, 30 & 34 along with his wife. By means of coorchit, 66 cents was allotted in favour of the petitioner on 14.09.1969. The other portions were allotted in favour of the brothers. The patta was also transferred in the name of the petitioner in the year 1980 and he was in possession and enjoyment of the property.

6.The 3<sup>rd</sup> respondent initially filed a suit for partition in O.S.No.533 of 2004 before the District Munsif Court, Arni, and after contesting, the suit was dismissed by judgment and decree dated 31.10.2014. Even in this partition suit, he claimed right over T.S.No.29 and he did not make any claim in T.S.Nos.30 & 34. It is further seen from records that the Tahsildar, Arni, had issued patta in the name of the petitioner for all the three properties in T.S.Nos.29, 30 & 34.

7.The petitioner started executing various settlement deeds in favour of his grand children and also his sons and it was entertained and



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registered by the 1<sup>st</sup> respondent. The petitioner ultimately, executed a settlement deed with respect to the property in T.S.No.30, measuring an extent of 468 sq.mts in favour of his grand son. By virtue of the same, a WILL that was executed in favour of the petitioner's son was canceled and the settlement was made in favour of the grand son. For the first time, the 3<sup>rd</sup> respondent submitted objections as if the petitioner does not have the exclusive right over the property. Based on the objections, the settlement deed was kept as a pending document in P.No.44 of 2019. Thereafter, the 1<sup>st</sup> respondent refused to register the document through proceedings dated 24.03.2020 and this order was confirmed by the 2<sup>nd</sup> respondent through order dated 03.08.2020.

8.In the considered view of this Court, there was absolutely no confusion regarding the right and title of the petitioner over Town Survey Nos.29, 30 & 34, measuring an extent of 66 cents. In fact, the petitioner had earlier executed settlement deeds and it was registered by the 1<sup>st</sup> respondent. The 3<sup>rd</sup> respondent has submitted an objection for the first time and based on the same, the document was refused to be registered. The 1<sup>st</sup> respondent failed to take note of the fact that the patta stood in the name of the petitioner with respect to the subject property in



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T.S.No.30 and the joint patta that was granted earlier has been put against the petitioner. If at all, the 3<sup>rd</sup> respondent had any right over the property, he should have worked out the remedy only before the competent Civil Court. However, the 3<sup>rd</sup> respondent instead of going to the Civil Court has approached the 1<sup>st</sup> respondent and given objections.

9.The reasons assigned by the 1<sup>st</sup> respondent to refuse to register the document which was confirmed by the 2<sup>nd</sup> respondent is unsustainable and the proceedings of the respondents 1 & 2 is hereby quashed. There shall be a direction to the 1<sup>st</sup> respondent to register the settlement deed kept as Pending Document No.44 of 2019, if it is otherwise in order.

10.In the result, this Writ Petition is allowed with the above directions. No costs.

**18.03.2025**

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Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No



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**N.ANAND VENKATESH, J.**

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To

- 1.The Sub Registrar,  
Arani.
- 2.The District Registrar,  
Cheyyar,  
Thiruvannamalai District.

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