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W.P.No.22232 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22232 of 2019
and
W.M.P.No.21514 of 2019

Rajmohan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Puducherry.

2.The President Officer (Tribunal) cum Sub Divisional
Magistrate (North),
In the Tribunal for Maintenance and Welfare of
Parents and Senior Citizens (North),
At Puducherry, Puducherry.

3.The Sub Registrar,
Sub Registrar Office,
Oulgaret,
Puducherry.

4.Sangaradass

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the order dated 21.06.2019 made in MWPS.No.03/2018 on the file of Tribunal for Maintenance and Welfare of Parents and Senior Citizens (North) at Puducherry, viz., the order of 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.M.Nirmal Kumar [R1 to R3]

No appearance [R4]

ORDER

Aggrieved by the order passed by the 2nd respondent, dated 21.06.2019 in MWPSC.No.3 of 2018, the petitioner has filed this Writ Petition.

2. The petitioner is the son and the 4th respondent is the father. It is alleged that the petitioner has not properly maintained his father, who is the 4th respondent herein and his mother, thereby, the 4th respondent made a complaint before the 1st respondent u/s 5(1) of the Maintenance and Welfare of Parents and Senior Citizens, Act, 2007 in MWPSC No.3 of 2018, seeking to revoke the settlement deed dated 08.07.2016, which was executed by the 4th respondent in favour of the petitioner in Doc.No.14845/2016 on the file of Sub Registrar, Oulgaret. The 1st respondent, vide order dated 21.06.2019, cancelled the said settlement deed. Challenging the same, the present writ petition has been filed by the petitioner.



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3. When the matter was taken up for hearing today, the learned counsel for the petitioner submits that the issue arises for consideration in this writ petition is no longer res-integra and the same was covered by the decision in the case of ***Latif Estate Line India Ltd., Vs. Hadeeja Ammal and others reported in AIR 2011 (Mad) 66*** followed by a Full Bench decision of this Court in the case of ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District & another [W.P. (MD) 6889 of 2015 etc. batch]***, decided on 02.09.2022.

4. On the above contentions, heard the learned counsel appearing for the respondents 1 to 3 and also perused the materials available on record.

5. Though name of the 4th respondent has been printed in the cause list, however no one appeared on behalf of the 4th respondent. Considering the pendency of this writ petition from the year 2019, this Court is inclined to dispose of this writ petition based on the materials available on record.

6. In ***Sasikala Vs. Revenue Divisional Officer and another***



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reported in **2022 SCC online Mad 4343**, the Hon'ble Full Bench of this

WEB COURT had held as under :

“30. In this context, it is useful to refer to Rules 55 and 162 of the Rules, which are approved by the State Government under Section 69 of the Registration Act, 1908.

55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document: but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.”

Rule 162 of the Registration Rules reads as follows:

“162. When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below:-

I. Section 19-- That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the District, and that it is unaccompanied by a true translation and a true copy.

II. Section 20--That it contains unattested interlineations, blanks, erasures or alterations which in the opinion of the Registering Officer require to be attested.

III. Section 21---(1) to (3) and Section 22.-- That the description of the property is insufficient to identify it or does not contain the information required by Rule 18.

IV. Section 21(4).--That the document is unaccompanied by a copy or



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copies of any map or plan which it contains.

V. Rule 32.--That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 and 77.--That it is presented after the prescribed time.

VII. Sections 32, 33, 40 and 43.--That it is presented by a person who has no right to present it.

VIII. Section 34.--That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

IX. Sections 34 and 43.--That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.--That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

XI. Section 35.--That execution is denied by any person purporting to be an executing party or by his agent.

Note:~When a Registering Officer is satisfied that an executant is purposely keeping out of the day with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.--That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:~When the executant of a document who is examined under a commission under Section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic registration may be refused and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

XIII. Section 35.--That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:-When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto, the persons interested being left to apply to the



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Registrar for an enquiry into the fact of execution.

XIV. Sections 35 and 41.--That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.--That the Registering Officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80.--That prescribed fee or fine has not been paid.

XVII. Section 230(A) of the Income Tax Act, 1961 (Act 43 of 1961).-- That the prescribed certificates from the Income Tax Officer has not been produced.

XVIII. Section 10 of the Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act, 1961 (Act 58 of 1961).--That the declaration has not been filed by the transfer. XIX. Section 27 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978).--That the statement has not been filed by the transferrer and transferee.

31. Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing the executant or the allegation of forgery. When the Registering Authority accept any document for registration despite objections or refuse to register the document, the person aggrieved can file an appeal under Section 72 of the Registration Act. In view of the specific provision under Sections 71 to 77 of the Registration Act, the aggrieved persons may either file an appeal under Section 72 or submit an application before the Registrar as the case may be.

When the registrar refused to order the document to be registered under Section 72 or Section 76, it is open to the person aggrieved to institute a civil suit within the local limits of the whose original jurisdiction, the Registrar Office, in which, the document is sought to be registered is situate for a decree directing the document to be registered.

32. The scope of Sections 71 to 76 and the procedure to be followed were considered by the Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1. On the combined



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reading of the provisions of the Registration Act and the Rules approved by the State Government of Tamil Nadu, and the other Provisions relating to Registration of Power of Attorney deed as dealt with by the Hon'ble Supreme Court in the case of Asset Reconstruction Company (India) Limited-vs-S.P.Velayutham and others, reported in 2022 SCC Online 544, the registering authority, whether he is exercising a quasi-judicial power, or performing an administrative act, the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law. The Hon'ble Supreme Court in the case of Suraj Lamp and Industries (P) Ltd, vs. State of Haryana, reported in (2009) 7 SCC 363, has considered the object of Registration Act, 1908. It is held that registration provides safety and security to transactions relating to immovable property and it gives publicity and public exposure to documents thereby prevent forgeries and frauds in regard to execution of documents. It is further held that Registration gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them.

Registration ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under Registration Act) as a full and complete account of all transactions by which title to the property can be ascertained. Any act or omission of Registrar which may interfere with the transfer or title of anyone has to be deprecated as one against public policy.”

7. In view of the law lay down by the Hon'ble Full Bench of this Court in the Judgement cited supra, this Court is inclined to allow this writ petition.

8. It is seen from the records that this Court, vide order, dated 17.04.2023, directed the petitioner to pay maintenance at the rate of



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Rs.10,000/-per month to the 4th respondent, from 17.04.2023 and continue to pay the said amount every month on or before the 5th day of every English Calendar month, and also directed the petitioner to allot one portion in the residential premises for the stay of the 4th respondent, of till the disposal of this writ petition. It is submitted by the learned counsel for the petitioner that the petitioner is continuously paying the said maintenance amount to the 4th respondent, without fail.

9. The receipt of the above amount every month is not disputed by the 4th respondent. In such circumstances, this Court is of the view that it would be in the interest of justice if the petitioner is directed to pay a sum for every month for the maintenance of the 4th respondent, who is his father, as it is the duty of the son to maintain his father.

10. In the above circumstances, this Court passes the following order:-

- (i) The writ petition is allowed and the impugned order passed by the 2nd respondent cancelling the settlement deed dated 21.06.2019 is set aside;
- (ii) The petitioner is directed to pay a sum of



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Rs.15,000/- per month (Rupees Fifteen Thousand only) to the 4th respondent towards monthly maintenance from the month of October, 2025, and allow the 4th respondent to continue the occupation of the portion allotted to him on the basis of the interim orders of this Court, till the life time of the 4th respondent;

(iii) Failure of the petitioner to pay the monthly maintenance amount as directed above, the 4th respondent/father of the petitioner is permitted to bring the same to the knowledge of the 2nd respondent by filing appropriate representation and upon receipt of the said representation, the 2nd respondent shall ensure that the petitioner pays the said amount to the 4th respondent every month.

(iv) Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

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To

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