



W.P.No.43524 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.43524 of 2025
& WMP.No.48665 of 2025

Mrs.S.Prabha

... Petitioner

Vs.

The Sub Registrar,
Office Of The Sub Registrar,
Kunnathur, Tiruppur District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling to call for the entire records of the respondent passed in refula No.RFL Kunnathur /10/2025 dated 08/05/2025 and to quash the order passed therein and direct the respondent herein to register the settlement deed dated 08/05/2025.

For Petitioner : Mr.H.Manojin

For Respondent : Mr.Stalin Abhimanyu, AGP



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ORDER

This writ petition has been filed challenging the impugned order dated 08.05.2025 passed by the respondent.

2. Mr.Stalin Abimanyu, learned Additional Government Pleader, takes notice on behalf of the respondent.

3. By consent of the parties, the main writ petition has been taken up for disposal in the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, the petitioner is intend to settle the subject property in favour of her husband by virtue of settlement deed dated 08.05.2025. However, when the settlement deed was presented for the purpose of registration, the same came to be rejected by the respondent citing the reason that one Poomanasamy had filed a protest petition in respect of the subject property.



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5. Further, he would submit that if any protest petition is filed, concerned Authority is supposed to have conduct enquiry after issuing due notice to the respective parties and thereafter, decide with regard to the registration of any documents, deeds, etc., which were presented for the purpose of registration. However, in this case, prior to the passing of impugned refusal order, the respondent had neither issued notice nor conducted any enquiry, which is contrary to the provisions of the Registration Act, 1908, and hence, the same is liable to be set aside. Hence, this petition.

6. In reply, the learned Additional Government Pleader appearing for the respondents had fairly accepted the submissions made by the petitioner and hence, he requested this Court to pass appropriate orders.

7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the entire materials available on record.



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8. In the case on hand, the petitioner intend to settle the subject property in favour of her husband by virtue of settlement deed dated 08.05.2025. However, when the settlement deed was presented for the purpose of registration, the same came to be rejected by the respondent citing the reason that one Poomanasamy had filed a protest petition.

9. Normally, if a protest petition is filed, it is the duty of the respondent to issue notice to the concerned parties, prior to the registration of any documents, and conduct enquiry in terms of Rule 54 of the Registration Rules. However, the said exercise was not carried out by the respondent at the time of passing the impugned order and hence, the the said impugned order is not sustainable in law.

10. In view of the above, the impugned order dated 08.05.2025 passed by the respondent is set aside. Thus, upon re-presentation of the petitioner's settlement deed, the respondent is directed to issue notice to the concerned parties, i.e., petitioner and the objector, who filed the



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protest petition, and after conducting enquiry, the decision shall be taken with regard to the registration of said settlement deed.

11. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petition is also closed.

14.11.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

The Sub Registrar,
Office Of The Sub Registrar,
Kunnathur, Tiruppur District.



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KRISHNAN RAMASAMY.J.,

nsa

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