



WEB COPY



W.P.No.32588 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.32588 of 2025

SURESH

.. Petitioner

Vs.

1 THE DISTRICT REGISTRAR
COIMBATORE, COIMBATORE DISTRICT

2 THE SUB REGISTRAR
VADAVALLI, COIMBATORE.

...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of order dated 02.04.2025 bearing refusal number RFL/Vadavalli/33/2025 on the file of 2nd respondent and to quash the same and consequently, to direct the 2nd respondent to register and release the settlement deed dated 24.02.2025 to the petitioner within stipulated time as fixed by this Court.

For Petitioner : Mr.K.Myilsamy
For Respondents : Mr.Abishek Murthy
Government Advocate

Order

By consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.



W.P.No.32588 of 2025

2. This Writ Petition is filed issuance of a certiorari to quash the order dated 02.04.2025 passed by the second respondent and consequently, to direct the 2nd respondent to register and release the settlement deed dated 24.2.2025 in favour of the petitioner within stipulated time as fixed by this Court.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property, measuring an extent of 13 cents, 216 sq.ft situated at Goundapalayam Block, Goundampalayam Town, Coimbatore North Taluk, Coimbatore; that so far as the property, measuring to an extent of 7 cents, 381 sq.ft, is concerned, the petitioner though executed a Power of Attorney in favour of one Muthukumar, dated 16.09.2015, subsequently, the petitioner has cancelled the same vide cancellation of Power Deed dated 29.12.2022. and also filed a suit seeking to declare the alleged sale agreement, which was executed by his Power Agent, Muthukumar in favour of his son, Akil Ananth, on the basis of the said Power of Attorney dated 16.09.2015; that in respect of remaining portion of property, measuring an extent of 5 cents and 272 sq.ft, the



W.P.No.32588 of 2025

petitioner intended to settle the same in favour of his son, Surya, and accordingly, the petitioner presented the certified copy of original title deed along with the settlement deed, before the second respondent for registration on payment of necessary stamp charges and other charges, however, the second respondent vide the impugned order refused to register the same, citing the reason that the sale agreement, which was executed by the Power Agent of the Petitioner in favour of Akil Ananth was not cancelled and the original title deed document was not presented.

3.1 Therefore, the learned counsel assailed the impugned order on two grounds, firstly, by contending that law is well-settled that production of original documents is not necessary when the party explains about the same in the instruments deeds, and secondly, it is contended that existence of the sale agreement executed by the petitioner's power agent in favour of Akil Ananth cannot be a ground for refusal of the settlement deed in favour of the petitioner's son, inasmuch as, the sale agreement relates to the property measuring about 7 cents, whereas, the settlement deed pertains to the balance portion of the property, i.e 5 cents, 271 sq.ft., which was not



W.P.No.32588 of 2025

covered in the sale agreement; that even assuming that the sale agreement exists, the petitioner, being the owner of the property in respect of extent of both 7 cents and 5 cents, he has every right to deal away with whole of his property. Thus, by averring so, the learned counsel prays for setting aside the impugned order.

4. The learned Government Advocate (T) for respondents fairly submitted that there is no necessity for production of original title deed for registration of a settlement deed, similarly, the existence of sale deed cannot be a ground for rejection of a settlement deed's registration, as the property covered in the settlement deed is not that of the one mentioned in the sale agreement. Therefore, it is submitted that the impugned order may be set aside and appropriate direction may be issued towards registration of the settlement deed.

5. I have given due considerations to the submissions made by the learned counsel for the petitioner and the learned Government Advocate for respondents.



W.P.No.32588 of 2025

6. The challenge in this Writ Petition is to the order passed by the second respondent, dated 02.04.2025, whereby, the second respondent has refused to register the settlement deed executed by the petitioner in favour of his son, Surya on the following two grounds:-

i) The petitioner failed to produce the original title deed Document No.3541 of 2011.

ii) The Sale Agreement executed by the petitioner's Power Agent, Muthukumar in favour of his son Akil Ananth still subsists.

6.1 So far as first ground of rejection is concerned, as rightly pointed out by the learned counsel for the petitioner, law on the said aspect has been settled both by this Court as also by Hon'ble Supreme Court that for the purpose of registration of a settlement deed, production of original title deed is not a pre-condition.

6.2 Insofar as second ground for rejection is that, the subsistence of sale agreeent executed by the petitioner's power agent in favour of Akil Ananth is in no way related to the property, which is covered in the



W.P.No.32588 of 2025

settlement deed, as the settlement deed is in respect of the balance portion of the property owned by the petitioner.

6.3 In the light of the aforesaid findings, this Court is inclined to set aside the impugned order. Accordingly, this Court pass the following orders;-

i) The impugned order passed by the second respondent dated 02.04.2025 is set aside. Consequently, the second respondent is directed to register the settlement deed in favour of the petitioner's son within a period of one week from the date of receipt of a copy of this order.

7. In the result, the Writ Petition is allowed. No costs.

08.09.2025

sd

Index : yes/no

Neutral Citation : yes/no

6/8



W.P.No.32588 of 2025

WEB COPY

- To
- 1 THE DISTRICT REGISTRAR
COIMBATORE, COIMBATORE DISTRICT
 - 2 THE SUB REGISTRAR
VADAVALLI, COIMBATORE.



WEB COPY



W.P.No.32588 of 2025

Krishnan Ramasamy,J.,

sd

W.P.No.32588 of 2025

08.09.2025