



WP No. 35389 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

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Sukanya Christopher,
Wife of Christopher Somasundar,
Door No.3, 3rd Main Road, Sharatha Layout,
Near to CKB Layout, Bhagini Hotel Backside,
Munnekolalu, Marathahalli Colony,
Bangalore North Circle, Bengaluru District
Karnataka.

Petitioner(s)

Vs

1.The Sub Registrar,
Thalavady, Erode.

2.Kangammal,
W/o. Jayaraj,
Sumithriappa Residence Metalvadi,
Mallankuzhi Village Sathyamangalam,
Erode District.

Respondent(s)



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in RFL Thalavady 4/2025 dated 02.04.2025 and quash the same and consequently direct the 1st respondent herein to register the settlement deed executing by the petitioner in favour of the petitioners daughter Dr.Suman Samuvel and remove illegal encumbrance of sale deed bearing No. 186/1982 from the registration records and encumbrance certificate respect of the property morefully described in the schedule hereunder, I will put to great hardship and irreparable loss to the property.

For Petitioner(s): Mr.K.Nirmal Kumar

For Respondent(s): Mr.Abishek Murthy
Government Advocate for R1
Mr.J.Titus Enock for R2

ORDER

This writ petition has been filed by the petitioner challenging the impugned refusal check slip dated 02.04.2025, whereby, the 1st respondent



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refused to register the settlement deed dated 02.04.2025, which was executed by the petitioner in favour of her daughter.

2.Learned counsel for the petitioner would submit that the petitioner executed a settlement deed dated 02.04.2025 in favour of her daughter and presented for registration before the 1st respondent. The 1st respondent refused to register the same citing the reason that the encumbrance certificate and patta stands in the name of one Basamma and John Baptist for the subject property and therefore, the rights of the petitioner has to be decided before the Civil Court.

3.He would further submit that the petitioner's mother filed a suit for declaration and injunction against the said Basamma and her daughter before the District Munisiff Court, Sathiyamangalam in O.S.No.14 of 2000 and the suit was decreed. The defendants in the suit preferred an appeal in A.S.No.37 of 2004 against the said decree before the Sub-Court, Gobichettypalayam, which



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was came to be dismissed. Against the order of dismissal, the defendants in the suit preferred a second appeal in S.A.No.739 of 2010 before this Court and this Court was pleased to dismiss the second appeal. Thus, the order made in O.S.No.14 of 2000 attained finality. The 1st respondent herein, without conducting any enquiry, has issued the impugned refusal check slip dated 02.04.2025. Hence, the present writ petition has been filed.

4.Learned Government Advocate appearing for the 1st respondent would submit that the since the encumbrance certificate and patta stands in the name of one Basamma, the 1st respondent issued the impugned refusal check slip and since the petitioner's mother has filed the suit for declaration and injunction and the same was decreed, appropriate orders may be passed to conduct enquiry in this regard.

5.Learned counsel appearing for the 2nd respondent would submit that if this Court intend to set aside the impugned refusal check slip dated 02.04.2025,



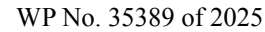
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for the purpose of fresh consideration, a direction may be issued to the 1st respondent to issue notice to the 2nd respondent as well, before conducting enquiry.

6. Heard the learned counsel for the petitioner; learned Government Advocate appearing for the 1st respondent and the learned counsel for the 2nd respondent.

7. Considering the submissions made by either parties, it is evident that the impugned order has been passed refusing to register the settlement deed presented by the petitioner citing the reason that already a document was registered in respect of the subject property in favour of the 2nd respondent and therefore the rights of the petitioner has to be decided before the Civil Court. However, according to the petitioner, the petitioner's mother had filed a suit for declaration against the 2nd respondent to declare that the subject property belongs to the petitioner and the same was decreed and it has also attained



8. Thus, in view of the above, it is clear that since no enquiry was conducted by the 1st respondent before issuing the impugned refusal check slip, the petitioner could not provide all those informations to the 1st respondent. The 1st respondent ought to have conducted enquiry before issuing the refusal check slip. However, in the present case, without conducting any enquiry, in an arbitrary manner, the 1st respondent has refused to register the settlement deed presented by the petitioner, which is not in accordance with law and the same is liable to be set aside. Accordingly, the impugned refusal check slip dated 02.04.2025 is set aside and the 1st respondent is directed to conduct enquiry after issuing notice to the 2nd respondent and all other parties concerned and



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thereafter, take a decision regarding the registration of the settlement deed
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presented by the petitioner.

9. With the above direction, this writ petition is disposed of. There is no
order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Sub Registrar,
Thalavady, Erode.



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KRISHNAN RAMASAMY J.

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