



W.P.No.37751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.37751 of 2024
and
W.M.P.No.40814 of 2024

Murugesan

.... Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Namakkal.

2.The Sub Registrar,
Erumapatti Sub Registrar Office,
Namakkal District.

3.M.Saravanan

.... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose of petitioner's representation dated 23.01.2024 to issue suitable direction to the 2nd respondent to entertain the settlement deed in respect of petitioner's 1/3rd share in the petitioner's family properties comprised in Survey Nos. 63/1, 63/2 and 65/1, Kombai Village, Erumapatti Sub Registration District, Namakkal District in



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favour of petitioner's son Kavin Kumar without insisting upon the production of original title deeds.

For Petitioner : Mr.C.K.M.Appaji

For R1 & R2 : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed for the following relief:

“directing the 1st respondent to dispose of petitioner's representation dated 23.01.2024 to issue suitable direction to the 2nd respondent to entertain the settlement deed in respect of petitioner's 1/3rd share in the petitioner's family properties comprised in Survey Nos. 63/1, 63/2 and 65/1, Kombai Village, Erumapatti Sub Registration District, Namakkal District in favour of petitioner's son Kavin Kumar without insisting upon the production of original title deeds.”

2. It is the case of the petitioner that his father, Late Muthaiah, had purchased a property, measuringan extent of 4.90 acres comprised in Survey Nos.62/3 and 227/9 situated at Kombai Village, Erumapatti, Namakkal District, under a registered sale deed vide Document No.1082 of 1970. On 04.02.2022, the petitioner's



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father died intestate leaving behind the petitioner and his brothers Selvaraj and Saravanan, viz., the third respondent herein, became the surviving legal representatives. The petitioner's maternal grandmother, Mookaiammal, owned a property measuring an extent of 3.75 acres comprised in survey Nos.63/1, 63/2 and 65/1, Kombai Village, Erumapatti, Namakkal District. On 21.03.1971, she had executed a settlement deed, settling 1/3rd share each in favour of the petitioner and her two brothers.

3. The petitioner would contend that the original documents were retained by the third respondent. Taking advantage of the same, the third respondent had sold a 1/3rd share in the family properties under Document Nos.2767 of 2022, 2771 of 2023 and 1066 of 2024. The petitioner intended to settle a 1/3rd share in favour of his son Kavin Kumar. However, the third respondent, who is the petitioner's younger brother, refused to handover the original documents. The Registering Authority, on the other hand, insisted on the production of the same. Therefore, the petitioner had



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preferred a representation to the first respondent to issue instructions to the second respondent to entertain the settlement deed without insisting on the original documents. On 19.02.2024 and 14.06.2024, the first respondent had issued notices to the petitioner and the third respondent to attend an enquiry. Though the documents have been produced, the first respondent has not chosen to pass any orders to date. Therefore, the petitioner is before this Court.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Though the writ petition has been filed seeking a mandamus to the first respondent to dispose of the representation, taking into consideration the fact that the second respondent is refusing to register the settlement deed only on the ground that the original documents have not been produced, the refusal on the part of the second respondent is not justified. This is especially in the light of the Judgment of this Court, wherein this Court has clearly



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set out the scope of enquiry conferred on the registering authority under the Registration Act and the grounds on which they can refuse registration. The demand for production of the original documents has already been dealt with by this Court in an earlier Judgment in the case of ***Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)***.

6. Therefore, in the light of the above, this writ petition is allowed with a direction to the second respondent to register the document without insisting on the original documents, within a period of two weeks from the date of presentation of the settlement deed. Consequently, connected miscellaneous petition is closed.
No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
Lpp



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P.T. ASHA, J,

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To

1.The District Registrar,
District Registrar Office,
Namakkal.

2.The Sub Registrar,
Erumapatti Sub Registrar Office,
Namakkal District.

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