



WEB COPY



W.P.No.39597 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.39597 of 2024

Zaibunnisa Begum @ Zaib Basheer

... Petitioner

Vs.

1.Sub - Registrar,
Kundathur, Office Of The Sub- Registrar,
Kundrathur, Chennai.

2.The Inspector General Of Registration,
Office Of The Inspector General Of Registration,
Santhome, Chennai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India

praying for issuance of a writ of Mandamus,

Directing the 1st respondent to register and release the settlement deed

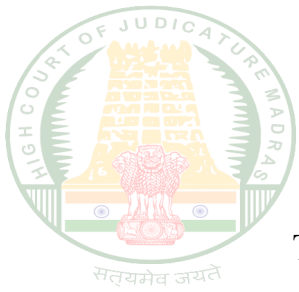
dated 28/10/2024 executed by the petitioner bearing pending document

No.21015/2024 on the file of the 1st respondent.

For Petitioner : M/s.I.Kowser Sulthana

For Respondents : M/s.P.Harish, Govt. Advocate
for R.1 & R.2

ORDER



WEB COPY

The petitioner is aggrieved by the fact that the settlement deed dated 28.10.2024 which had been presented for registration before the 1st respondent has not been registered and released to date.

2. It is the contention of the petitioner that the subject property had been purchased by her under a registered sale deed dated 03.03.1993. Thereafter, out of her love and affection for her daughters Naveen Zaheer and Jabeen Basheer, she had settled the property in their favour under a settlement deed dated 28.10.2024 and had presented the same for registration along with certified copies of the parent documents. The 1st respondent had admitted the document for registration but however kept it pending in pending document no.69 and had refused to release the document. No reasons whatsoever has been given for the same. Therefore, the petitioner is before this Court.

3. Heard the counsels on either side.

4. The 1st respondent is bound to register and return the document as per the provisions of Section 61(2) of the Registration Act, 1908. The Registering Authority is bound to either register the document or in case



W.P.No.39597 of 2024

WEB COPY

the document cannot be registered then the same should be refused and returned to the executant. In the instant case, the 1st respondent has not given any reasons for keeping the document pending. Further, when the matter came up in the morning for admission, the learned Government Advocate was directed to get instructions as to why the document had not been registered. After getting instructions, he came back stating that there was no reason for keeping the document pending.

5. Therefore, the Writ Petition is allowed. A mandamus is issued to the 1st respondent to register and release the settlement deed dated 28.10.2024 within a period of 2 weeks from the date of receipt of a copy of this order. No costs.

03.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.Sub - Registrar,
Kundathur, Office Of The Sub- Registrar,
Kundrathur, Chennai.

2.The Inspector General Of Registration,
Office Of The Inspector General Of Registration,
Santhome, Chennai.

P.T. ASHA. J.,



WEB COPY



W.P.No.39597 of 2024

(shr)

W.P.No.39597 of 2024

03.01.2025