



WEB COPY



W.P.No.41822 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.41822 of 2025

Palanivel

... Petitioner

Vs.

The Sub Registrar
Office Of The Sub Registrar,
Mallasamuthiram,
Namakkal District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Refusal Check slip in refusal number RFL/ MALLASAMUTHIRAM/ 246/ 2025 dated 15.10.2025 on the file of the respondent quash the same and consequently direct the respondent to register the settlement deed dated 10.10.2025 presented by the petitioner within a reasonable time fixed by this Honourable Court

For Petitioner : Mr.S.Varanesh

For Respondent : Mr.U.Baranidharan, SGP



W.P.No.41822 of 2025

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 15.10.2025 issued by the respondent and to direct the respondent to register the settlement deed dated 10.10.2025.

2. The learned counsel for the petitioner would submit that in this case, the petitioner had purchased the subject property vide sale deed dated 21.08.2013 and he is the absolute owner of the subject property. Now, the petitioner intended to settle the said property in favour of his son and executed the settlement deed dated 10.10.2025. When he presented the said settlement deed for the purpose of registration, the respondent had rejected the same vide impugned refusal check slip dated 15.10.2025 citing the reason that the petitioner had already entered into a sale agreement dated 16.08.2024 in favour of a 3rd party, whereby he agreed to execute the sale deed within a period of 11 months. However, the same was not executed and thus, it does not create any interest or charge on the subject property. Further, as on the date of execution of settlement deed, the 11 months period has already expired and without



W.P.No.41822 of 2025

considering the same, the impugned refusal slip was issued by the respondent.

3. In reply, the learned Special Government Pleader appearing for the respondent would submit that though the 11 months period was expired, still 3 years period from the date of expiry of 11 months, as prescribed under the provisions of the Limitation Act, is not yet completed. Hence, the respondent is not in a position to register the petitioner's settlement deed. Thus, he requests this Court to pass appropriate orders.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and also perused the entire materials available on record.

5. In the case on hand, the petitioner intends to settle the property in favour of his son by virtue of settlement deed dated 10.10.2025. However, the respondent had refused to register the said settlement deed vide impugned refusal check slip dated 15.10.2025 by citing the reason



W.P.No.41822 of 2025

that the petitioner had already entered into a sale agreement dated 16.08.2024 and a period of 11 months, which is available to execute the said agreement, is still pending.

6. According to the petitioner, as on the date of presentation of sale deed, i.e., 15.10.2025, the period of 11 months was expired and hence, there is no impediment for the respondent in registering the settlement deed executed by the petitioner.

7. In this case, the petitioner had entered into a sale agreement dated 16.08.2024 with a 3rd party, whereby, he agreed to execute the sale deed in respect of the subject property within a period of 11 months. In such case, if any subsequent deed was executed, in respect of the very same property, by the petitioner within a period of 11 months, the same cannot be registered. However, in this case, the settlement deed was executed only after the period of 11 months. When such being the case, there is no need for the respondent to wait for the expiry of limitation period of 3 years as prescribed under the Limitation Act, unless and otherwise if any protest petition is filed by the 3rd party.



W.P.No.41822 of 2025

WEB COPY

8. In the case on hand, admittedly, no protest petition is filed and no case is pending between the parties. Even if the respondent have any suspicion with regard to the pendency of any legal proceedings between the parties, they can instruct the petitioner to file an affidavit by stating that no legal proceeding is pending in respect of the subject property and thereafter, register the settlement deed executed by the petitioner.

9. In such view of the matter, this Court does not find any impediment for the respondent to register the settlement deed executed by the petitioner in favour of his son. Hence, this Court is inclined to set aside the impugned refusal check slip issued by the respondent.

10. Accordingly, the impugned refusal check slip dated 15.10.2025 is hereby set aside. The petitioner shall re-present their settlement deed along with an affidavit, as stated above, to satisfy the respondent. Upon such re-presentation, the respondent shall register the same in accordance with law.



W.P.No.41822 of 2025

WEB COPY

11. With the above directions, this writ petition is disposed of. No cost.

05.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

The Sub Registrar
Office Of The Sub Registrar,
Mallasamuthiram,
Namakkal District.



W.P.No.41822 of 2025

KRISHNAN RAMASAMY.J.,

nsa

W.P.No.41822 of 2025

05.11.2025