



W.P(MD)No.7316 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7316 of 2025

R.Muthuraj

..Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600 028.

2.The Sub Registrar,
Sattur,
Virudhunagar.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 10/01/2025 passed in check slip number 3 of 2025 by the second respondent and quash the same and consequentially, to direct the second respondent to register the settlement deed dated 10/01/2025 executed by the petitioner in favour of his sons.



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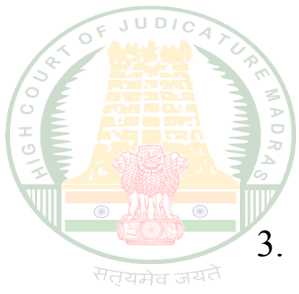
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For Petitioner : Mr.M.Ramasamy
For Respondents : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

The writ petition is filed to quash the impugned order dated 10.01.2025 passed in check slip number 3 of 2025 by the second respondent and to direct the second respondent to register the settlement deed dated 10.01.2025 executed by the petitioner in favour of his sons.

2. The petitioner claims that the property comprised in S.Nos.28/1B, 28/3, 28/6, 42/11B, 55/4C, 56/12, 56/8A, and 56/8C, Avudaiyapuram Village, Virudhunagar District originally belonged to his father, Ramasamy Naicker. The said Ramasamy Naicker executed a settlement deed on 01.12.1955 settling the property in favour of his brother, Muthaal, as well as the petitioner. Muthaal's son, one Ramar, had created two powers of attorney dated 05.04.2007 in favour of one, N.Krishnasamy. The power agent claimed that the said Muthaal was dead when he was very much alive. On the strength of the power of attorney, the said Krishnasamy alienated the property in favour of one Aasha Devi on 25.06.2007.



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3. The petitioner, having succeeded to the property by virtue of the settlement deed dated 01.12.1955, wanted to settle the property in favour of his two sons. When he presented the document for registration, it was refused by the second respondent-Sub Registrar by the impugned order.

4. The settlement deed executed by the petitioner was refused on the ground that there are several other documents pertaining to the very same survey numbers, and therefore, it will amount to double entry in the register. Challenging the same, the present writ petition.

5. Heard Mr.M.Ramasamy for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondents.

6. The issue raised in this writ petition is squarely covered by the Judgment of this Court in **T.Senthilvel vs. District Registrar (Administration), Dindigul District and others, W.P.(MD).No.22114 of 2024 dated 17.10.2024**. This Court held that merely because there is a double entry in respect of the subject property, registration cannot be refused. Furthermore, the Sub Registrar is neither a quasi-judicial authority nor does he possess the jurisdiction to go into title in terms of Rule 55 of the Registration Rules.



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WEB COPY 7. Therefore, following the said Judgment in **T.Senthilvel vs. District Registrar (Administration), Dindigul District and others, W.P.(MD).No. 22114 of 2024 dated 17.10.2024**, the writ petition is allowed. The impugned order dated 10.01.2025 passed in check slip number 3 of 2025 by the second respondent is quashed. The second respondent is directed to register the settlement deed dated 10.01.2025 presented by the petitioner, within a period of two weeks from the date of uploading of this order. No costs.

8. Call the matter after three weeks for reporting compliance.

19.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600 028.

2. The Sub Registrar,
Sattur,
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V.LAKSHMINARAYANAN, J.

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