



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 22842 of 2026

Shankar Kumar,
S/o.Jaganathan,
residing at "Srivatsam" Apts,
No.43/58, B4-Thirumalai Road,
T.Nagar, Chennai-17.

..Petitioner(s)

Vs

The State Rep. by
Sub Registrar,
O/o.The Sub Registrar,
Neelankarai.

..Respondent(s)

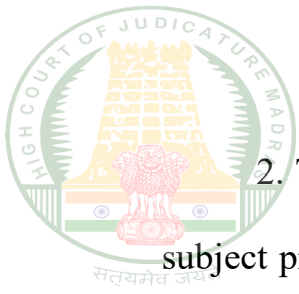
Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, to call for the records on the file of respondent made in No.RLF/ Neelankarai/ 39/ 2026 dated 20.05.2026 and quash the same and consequently direct the respondent to register the deed of settlement presented by the petitioner dated 08.05.2026

For Petitioner(s): Ms.G.Selvi George

For Respondent(s): Mr.M.Roshan Atiq
Government Counsel

ORDER

This Writ Petition has been filed challenging the order dated 20.05.2026, passed by the respondent, refusing to register the settlement deed presented by the petitioner dated 08.05.2026.



2. The learned counsel appearing for the petitioner would submit that the subject property was purchased by the petitioner through a registered sale deed in Document No.1233/1986 dated 30.04.1986. It is stated that all revenue records were mutated in the petitioner's name and right from the date of sale deed, the petitioner was in possession of the property and regularly paying required property taxes. While so, the petitioner, who is aged about 88 years old intends to settle the property in favour of his wife as the petitioner's son and daughter are living in abroad. Under these circumstances, when the petitioner presented a settlement deed dated 08.05.2026, the respondent passed the impugned order dated 20.05.2026 refusing to register the same stating that there was a power of attorney registered in Document No.285 of 2022 dated 21.01.2022 and Executor of the settlement deed is not in a position to answer the questions raised. The learned counsel would submit that due to stroke, the petitioner was not in a position to speak anything about the content of the settlement deed settling the property in favour of his wife. Hence, the petitioner filed the present writ petition.

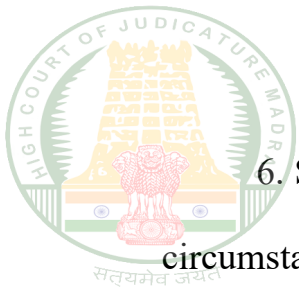
3. The learned Government Counsel appearing for the official respondents would submit that the respondent refused to register the settlement deed on the ground that a power of attorney was executed by one Chitra in favour of one Latha claiming that she is petitioner's daughter and sole heir. In the said power of attorney, it was indicated that the petitioner passed away long



back therefore, the said Chitra was legal heir and she executed power of attorney in favour of one Latha to look into the property. After coming to know about the said power of attorney, the petitioner filed a criminal complaint in Crime No.0067 of 2025, but till date, the said Latha / power of attorney as well as Chitra are not traceable. Under these circumstances, when the petitioner intend to execute the settlement deed, the respondent refused to register the same, since the earlier power of attorney was in existence. However, if this Court passed any orders, the same will be complied with.

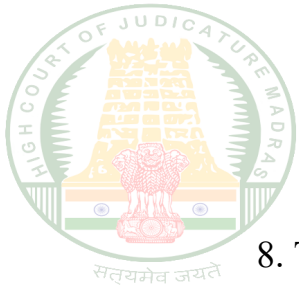
4. I have heard the learned counsel for the petitioner as well as the respondents and perused the material available on record.

5. In the present case, the petitioner intend to settle the property in favour of his wife. The petitioner is aged 88 years old and there is no doubt that he cannot speak, due to stroke. Under such circumstances, the Sub-Registrar supposed to have received the affidavit from the wife, setting the reasons and intentions of the petitioner to settle the said property. It is also seen that taking advantage of the immobility of the petitioner, on 21.01.2022, a bogus power of attorney was executed by Chitra in favour of one Latha, claiming that the petitioner is her father and he passed away long back and therefore, the said Chitra is sole legal heir. This may be the reason why the petitioner intend to settle the property in favour of his wife.



6. Such being the case, the officials should have looked into the facts and circumstances of the case. Since the petitioner intend to settle the property in favour of his wife as his son and daughter are living in abroad, the respondent, after taking affidavit from the settlee with regard to the intention to settle the properties in favour of his wife, should have considered the same to register the settlement deed. As regards the power of attorney executed by one Chitra, it is clear that the said power of attorney is a bogus one as in the power of attorney itself, it was indicated that the petitioner passed away, which is not true, since the petitioner is very much alive. Therefore, the petitioner alone is having power to execute the settlement deed. Such being the case, the order passed by the respondent citing reason that the power of attorney was in existence is liable to be set aside.

7. In view of the same, the impugned order passed by the respondent dated 20.05.2026 is set aside. While setting aside the impugned order, the petitioner is directed to re-present the settlement deed dated 08.05.2026. The petitioner as well as the settlee is also directed to file an affidavit before the Sub-Registrar with regard to the intention of settling the properties. Upon receipt of the same, the respondent is directed to receive the same and proceed further to register the settlement deed dated 08.05.2026, in accordance with law.



8. This Writ Petition is allowed with the above observations. No costs.

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17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KKN

Note: Issue order copy on 24.06.2026.

To

Sub Registrar,
O/o.The Sub Registrar,
Neelankarai.



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KRISHNAN RAMASAMY, J.

KKN

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