



W.P.No.13419 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 29.08.2025

Pronounced on: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No. 13419 of 2025

Eswari

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2.The District Registrar,
Office of the District Registrar,
Erode District,
Erode – 638 009.

3.The Joint Sub – Registrar – I,
Office of the Joint Sub-Registrar – I,
Erode – 638 009.

4.Sathya

... Respondents



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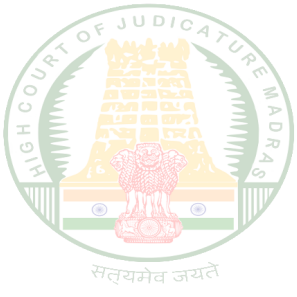
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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relating impugned refusal check slip in No.RFL/1 the Joint Sub-Registrar Erode/19/2024 dated 15.04.2024 of the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to register the Settlement deed dated 15.04.2024 presented by the petitioner in respect of the land situated at S.No.376/4AA1A1, Veerappan Chatram Municipality, Ward 20, Thiru.Vi.Ka. Nagar, Erode Revenue District measuring 1856.25 sq.ft., within the time frame fixed by this Court.

For Petitioner : Mr. I.Abdul Basith

For R1 to R3 : Mr. U.Baranidharan
Special Government Pleader

For R4 : Mr. V.Elanchezhiyan



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ORDER

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The present writ petition is filed challenging the refusal slip dated 15.04.2024, whereby the settlement deed presented by the petitioner for registration was refused on the premise that the 4th respondent had given a protest letter stating that a Protection and Residence order has been passed in her favour by the Additional Mahila cum Judicial Magistrate, Salem in CMP.No.108/2022 in DVC No.06/2022 dated 22.02.2022.

2. The short question that arises for consideration is whether the refusal check slip dated 15.04.2024 whereby the 3rd respondent has refused registration of the settlement deed on the premise that orders have been passed under Section 18 and 19 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "Act") is sustainable.

2.1. Learned counsel for petitioner would submit that petitioner is the mother-in-law of the 4th respondent and has executed a Settlement



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Deed dated 15.04.2024 in favour of her elder son and presented the same

before 3rd respondent for registration. When the settlement deed was presented for registration before 3rd respondent, the impugned refusal slip came to be issued by the 3rd respondent on the premise that Section 22-B of the Registration Act would get attracted inasmuch as an order passed under Section 18 and 19 of the Act would amount to an order of attachment.

2.2. Learned counsel for petitioner would submit that the 3rd respondent ought not to have refused to register the settlement deed, since the residence order passed in favour of the 4th respondent cannot be construed as an attachment of property thus impugned refusal slip is illegal, without jurisdiction.

3. To the contrary learned counsel for the respondents would submit that this is a case where Section 22-B of the Registration Act would get attracted for two reasons. One, in view of the Protection and



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Residence orders under Section 18 and 19 of the Act, registration of the

settlement deed would impair/abridge petitioner's right in terms of Section 18 and 19 of the Act. Secondly, once there is a protection order there is no need for an express bar against registration or injunction against alienation.

4. Having heard the learned counsel on either side and considering the facts and circumstances of the case, it may be relevant to note that the Division Bench has held that normally writ petition ought not be entertained at the stage of Refusal slip in the case of *E.Sumathi v. The Sub-Registrar* in W.A.No.23682 of 2025. In the circumstances, this Court is of the opinion that it is appropriate that petitioner may represent the settlement deed along with their response to the reasons set out in the refusal slip. On receipt of such explanation by the petitioner, the same shall be considered and the 3rd respondent shall proceed to register the same, if the explanation offered is acceptable



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and the document submitted for registration is otherwise in order.

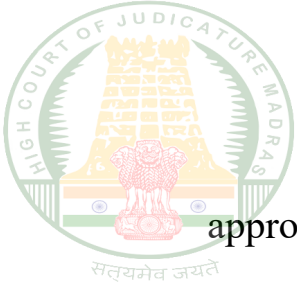
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5. In view thereof, the writ petition stands disposed of with the following directions:

i) It is open to the petitioner to re-present the settlement deed dated 15.04.2024 along with her response to the reasons set out in the refusal slip along with any supportive documents thereof.

ii) On receipt of such response from the petitioner, the 3rd respondent shall issue notice and afford an opportunity of hearing to the petitioner and 4th respondent and any other interested parties.

iii) The 3rd respondent after conducting a proper enquiry shall proceed to register the settlement deed, if the explanation submitted is acceptable and documents presented for registration is otherwise in order. If for any reason, the 3rd respondent is of the view that the settlement deed ought not to be registered, 3rd respondent shall pass



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appropriate orders under Section 71 of the Registration Act.

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iv) The above exercise shall be completed within a period of 3 weeks from the date of uploading the order without waiting for certified order copy.

6. This writ petition is disposed of with the above observation.

No costs.

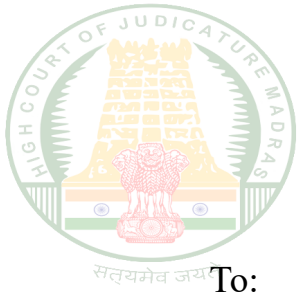
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Index : yes/no

Internet : yes/no

Speaking Order / Non-Speaking Order

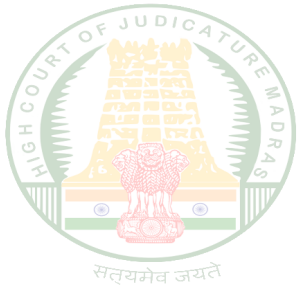
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To:
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MOHAMMED SHAFFIQ J.

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