



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.15810 of 2017

and

W.M.P. (MD) .No.12498 of 2017

S.Poonkodi

: Petitioner

-vs-

The Joint Sub Registrar No.4,
Madurai (South),
Madurai.

: Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent herein in his proceedings in ஆய்வு சீட்டு 8/2017, dated 17.08.2017, and quash the same and consequently direct the respondent herein to register the settlement deed dated 16.08.2017.

For Petitioner

: Mr.K.Hemakarthiskeyan

For Respondent

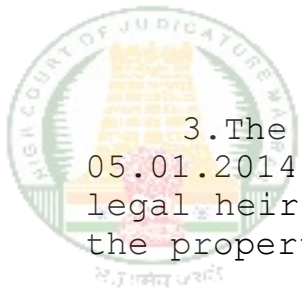
: Mr.G.Muthukannan

Government Advocate

O R D E R

The Writ petition is filed for issuance of a writ of Certiorarified Mandamus to quash the order of the respondent dated 17.08.2017, issued in his proceedings in Inspection Sheet No.8/2017 and for a direction to register the settlement deed dated 16.08.2017.

2.According to the petitioner, the property to an extent of 648 Square feet in Town Survey No.54 (Old Survey No.165/25 part), Block No.55, Ward No.22 in Palanganatham Keela Theru, in Madurai Corporation, is an ancestral property, which belongs to her father. The property was assessed by the Madurai City Municipal Corporation in Assessment No.124796, in the name of his father and electricity connection was also given.



3.The petitioner would further state that her father died on 05.01.2014, leaving behind his wife and three children. as his legal heirs, Subsequently, they are in possession and enjoyment of the property.

4.The petitioner would further state that they are entitled for 1/4th share each and now the mother, brother and sister have executed the settlement deed, settling their share in favour of the petitioner. When the document was presented for registration, the respondents refused to register the document, on the ground, that there is no guideline value for the survey number and other revenue records, such as patta, chitta, FMB, TOPO were not produced. Challenging the said order, the present writ petition is filed.

5.Mr.K.Hemakarthikeyan, learned counsel for the petitioner would submit that it is true that in respect of T.S.No.54, there is no guideline value, but with regard to the street, there is a guideline value prescribed and based on the guideline value of the street, the property can be registered. It is further submitted that the petitioner is ready to produce the other revenue records, as sought for by the respondent.

6.Mr.G.Muthukannan, learned Government Advocate appearing for the respondents would submit that due to the non -availability of the guide line value for the survey Number and non production of the revenue records, the respondent rightly refused to register his settlement deed. The respondent is now ready to take the guideline value for the street for the purpose of registration of the documents, if the petitioner produces the other revenue documents.

7.In the light of the above facts, the order impugned in this writ petition is set aside and the matter is remitted back to the respondent for reconsideration. The respondent shall take guideline value of the street for the purpose of registration of settlement deed produced by the petitioner and the petitioner is directed to produce the other documents required at the time of registration.

8.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/



To

The Joint Sub Registrar No.4,
Madurai (South),
Madurai.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 75713
- + 1 CC TO MR.K.Hemakarthiskeyan, ADVOCATE IN SR No. 75397

tsg

MK/SKN RSK/SAR-1/04.09.2017/3P/4C

Order made in
W.P(MD) No.15810 of 2017
and
W.M.P. (MD) .No.12498 of 2017
Dated: 30.08.2017