



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.23990 of 2017

and

W.M.P(MD)No.20157 of 2017

S.Umadevi

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar's Office,
Oddanchatram,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the 1st Respondent in Inspection Note No.2/2017 dated 12.12.2017 and Quash the same and consequently direct the 1st Respondent to register the mortgage deed dated 01.12.2017 submitted by the petitioner without insisting joint patta in name of the petitioner in respect of S.No.42/1B.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

Heard the learned Counsel on both sides.

2. The subject property belongs to one S.K.S.Kalimuthupillai and others. The said Kalimuthupillai is no more. He died on 07.01.2008. The petitioner herein is one of the legal heirs of the said Kalimuthupillai and she wants to mortgage her share in the property and register the same. But the first respondent has declined to register, on the ground that the petitioner must produce joint patta, in which her name is mentioned.

3. The petitioner has applied for the same, before the second respondent and it appears that it will take some time for the second respondent to issue the same. As some urgency is there, the writ petitioner is before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Considering the facts and circumstances, impugned order dated 12.12.2017 is set aside and the first respondent is directed



to register the mortgage deed, submitted by the petitioner, without insisting a joint patta in her name, in respect of the subject property.

5. The writ petition stands allowed, in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Registrar,
Sub Registrar's Office,
Oddanchatram,
Dindigul District.

2. The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

+1cc to M/S.V.Muthukamatchi, Advocate SR.No. 94710

+1cc to Special Government Pleader, SR.No. 95029

W.P. (MD) No.23990 of 2017

22.12.2017

GK

JM/SKN RSK/SAR 1/12.01.2018/2P/5C