



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD).No.22584 of 2018

M.Segu Ammal

...Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Shanthome High Road,
Chennai-28.

2. The District Registrar,
Pudukkottai District Registration Office,
Pudukkottai District.

3. The Sub-Registrar,
Sub-Registrar's Office,
Perungalur, Pudukkottai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating with the order of the third respondent in RFL/Perungalur/1/2018 dated 25.09.2018, refused to register a gift settlement deed, executed on 12.09.2018 by the petitioner in favour of the petitioner's son Syed Ahamed, relating with the land in S.No.628/2B, measuring 0.93.0 Ares in Athanakottai Village in Pudukkottai District and quash the same as it is arbitrary and illegal and in consequence to direct him to receive and register the same within a time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner herein namely, M.Segu Ammal has challenged the order of the third respondent passed in RFL/Perungalur/1/2018, dated 25.09.2018, who had refused to register a gift settlement deed, executed on 12.09.2018 by the petitioner in favour of her son Syed Ahamed, relating with the land in S.No.628/2B, measuring 0.93.0 Ares in Athanakottai Village in Pudukkottai District, by way of filing this Writ Petition and he seeks a direction to direct the third respondent to register the same.



2.The case of the petitioner is that the land in S.No.628/2B measuring 0.93.0 Ares in Athankottai Village in Pudukkottai District, belongs to the petitioner and she is in possession and enjoyment of the same for the past three decades and she wanted to execute a gift settlement deed in favour of her son and accordingly, on 12.09.2018, she had executed a gift settlement deed and presented the same for registration before the third respondent on 25.09.2018. As per Section 34 of the Registration Act, 1908, (hereinafter referred as the Act) the Registrar has to conduct an enquiry. But, he has not done so and refused to register the deed under Section 71 of the Indian Registration Act, assigning the reasons, stating that no parent and original documents have been produced as per Section 22 of the Act, the schedule of the property has not been properly explained and previous documents and patta stands in the name of some other person.

3.Aggrieved over the said order, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner would contend that the reasons given in the impugned order are not correct and the petitioner has produced all the relevant documents before the authorities, showing her title and right over the said property and due to some other reasons, the third respondent has refused to register the said sale deed without any valid reason, which is arbitrary.

5.The learned counsel would further contend that she is ready to produce all the original and parent documents, through which she has inherited the property, before the concerned authorities, if the Court directs so and other relevant documents will be produced to their satisfaction. One more chance may be given to produce the same before the authorities.

6.Even though there is an appeal remedy available before the concerned authorities, this Court is of the considered opinion that the petitioner shall produce all the relevant documents before the concerned authorities. The concerned authorities are directed to consider the same and pass an order, after giving opportunity to the petitioner in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The executor and the beneficiary shall appear in-person before the concerned authorities.

7.Accordingly, this Writ Petition is dismissed with liberty to the petitioner to approach the authorities with relevant documents. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

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

Sub Assistant Registrar(CS-I)



To

1. The Inspector General of Registration,
No.100, Shanthome High Road,
Chennai-28.

2. The District Registrar,
Pudukkottai District Registration Office,
Pudukkottai District.

3. The Sub-Registrar,
Sub-Registrar's Office,
Perungalur, Pudukkottai District.

+1cc to Mr.R.Suriya Narayanan, Advocate Sr.No.94654
+1cc to Spl.Government Pleader Sr.No.94741

MYR

VB/BK/SAR1/10.12.2018/3P/6C

W.P. (MD) .No.22584 of 2018
09.11.2018