



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.5562 of 2019

WEB COPY

Eswariammal

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar Office,
Tenkasi, Tirunelveli District.

2.The Sub Registrar,
Sub Registrar Office,
Sankarankovil,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling for the records relating to the impugned order dated 11.01.2019 in Na.Ka.No.17/2009 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to register the settlement Deed on reconsidering the petitioner's representation dated 21.12.2018, without insisting to produce the patta stand in the name of petitioner.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel appearing on either side.

2.The petitioner purchased the property comprised in Survey No.437/A6, Kalappakulam Village Panchayat, Sankarankovil Union vide sale deed dated 26.03.1976 from one Velu. It is a registered document. The petitioner wants to now execute a settlement deed to settle the said property in favour of one of her sons. When the document was presented for registration, the second respondent declined to receive the same. The reason stated by the second respondent is that in respect of the said property, the Patta stands in the name of the petitioner's husband and that there is some discrepancy between the patta and the sale deed dated 26.03.1976. Hence, the impugned communication dated 11.01.2019 has been issued.



3.It is not in dispute that the petitioner claims title over the property only by virtue of her sale deed dated 26.03.1976. A mere look at the encumbrance certificate indicates that there is no cloud on the petitioner's title. Therefore, the second respondent ought not to go only by the description of the property set out in the said sale deed dated 26.03.1976. Merely because in the revenue records, the name of the petitioner's husband is indicated and merely because there are some discrepancies between the sale deed and patta, the second respondent is not justified in declining to receive the settlement document executed by the petitioner in favour of one of her sons. When there is a discrepancy between the title documents and the revenue records, registering authority must go only by the title deed. In such view of the matter the order impugned in the writ petition is set aside and the writ petition stands allowed. No costs.

4.The second respondent shall verify if the settlement deed is in respect of the very same property purchased by the petitioner vide sale deed dated 26.03.1976.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

To

- 1.The District Registrar,
Office of the District Registrar Office,
Tenkasi, Tirunelveli District.
- 2.The Sub Registrar,
Sub Registrar Office,
Sankarankovil, Sankarankovil Taluk,
Tirunelveli District.

+1 CC to M/s.V.MUTHUVELAN, Advocate (SR-55197[F] dated 20/03/2019)

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ES/DS/15.04.2019/2P/4C