



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.9529 of 2019

Selvarani Varadharajulu

... Petitioner

Vs

1.The Deputy Inspector of General of Registration,
Department of Registration,
Thirumogur Road,
Y.Othakadai, Madurai District.

2.The Sub-Registrar,
Joint Sub Registrar-IV,
Palanganatham, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to register the Gift Settlement Deed Executed by the petitioner in favour of the petitioner's sister with correct Survey No.39/2 with same boundaries for the property situated at Madakulam Village (Palanganatham), Thirupparankundram Taluk, Madurai District as mentioned in the Family Arrangement Deed dated 10.10.2011 based on the petitioner's representation dated 18.03.2019 within the time limit as fixed by this Court.

For Petitioner	: Mr.R.Aravindan
For Respondents	: Mr.M.Murugan
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's father purchased the property comprised in S.No.39/2 in Madakulam Village(Palanganatham), Thirupparankundram Taluk, Madurai District vide registered sale deed dated 15.10.1959. He passed away on 12.03.2009. After his demise, there was a partition in the family. 'A' registered document dated 10.10.2011 was executed and registered as Doc.No.636 of 2012 on the file of the second respondent. The petitioner was allotted B-Schedule properties as set out in the said document dated 10.10.2011. Now, the petitioner wants to settle her share in favour of her sister. But then, the survey Number has been wrongly mentioned even in the family arrangement deed dated 10.10.2011. Therefore, the second respondent had taken the stand that the settlement deed of the writ petitioner in favour of her sister will not be registered, unless correction is made in the document dated



10.10.2011. That has necessitated filing of this writ petition.

2. The learned counsel appearing for the writ petitioner states that in the settlement deed executed by the writ petitioner in favour of her sister, the correct survey number has been mentioned. The petitioner is maintaining the same four boundaries as set out in the family arrangement deed dated 10.10.2011. It is well settled that in the event of there being discrepancies between the survey number and four boundaries, the four boundaries will prevail. Therefore, the second respondent is directed to verify if the four boundaries given in the settlement deed now presented for registration tally with the four boundaries set out in the family arrangement deed dated 10.10.2011 and if they are found tallied, the second respondent shall register the same notwithstanding the discrepancies in the survey number.

3. The Writ Petition is allowed, accordingly. No costs. It is made clear that the petitioner will have to fulfil the other formalities.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The Deputy Inspector of General of Registration,
Department of Registration,
Thirumogur Road,
Y.Othakadai, Madurai District.

2. The Sub-Registrar,
Joint Sub Registrar-IV,
Palanganatham, Madurai.

+1CC TO MR.R.ARAVINDAN, Advocate Sr. No.62495

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.62712

W.P. (MD) No. 9529 of 2019
23.04.2019

DB (CO)

TR (23.05.2019) 2P 5C