



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.NO.24073 OF 2021

C.Muthu @ Munusamy

...Petitioner

Vs

1.The Sub Registrar,
Thirukazhukundram,
No.8/45, Kammala Street,
Thirukazhukundram 603 109.

2.The District Registrar, Chengalpet,
No.10, Kanchipuram Main Road,
Chengalpet Bazaar, Chengalpet 603 002.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent culminating in his impugned Refusal Check Slip Refusal Number: RFL/Thirukazhukundram/4/ 2021 dated 27.07.2021, quash the same, and to direct the first respondent to register the document, viz., Settlement Deed dated 28.04.2021 executed by the petitioner in respect of his land to and in favour of his two sons.

For Petitioner : Mr.Arun Anbumani

For Respondents : Mr.A.Selvendran,
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent culminating in his impugned Refusal Check Slip Refusal Number: RFL/Thirukazhukundram/4/ 2021 dated 27.07.2021, quash the same, and to direct the first respondent to register the document, viz., Settlement Deed dated 28.04.2021 executed by the petitioner in respect of his land to and in favour of his two sons.

2. The petitioner owned property comprised in survey No.28/1 to an extent of 28 cents, old survey No.28/3 as per patta in new



survey no.28/3A to an extent of 33 cents and survey no.29/2A to an extent of 6 cents, in total to an extent of 67 cents situated at Thirukazhukundram Taluk, Chengalpet. Originally it was purchased by the petitioner represented by his mother and guardian Mrs.Manjula in the year 1975 when the petitioner was aged about 2 ½ years by registered sale deed on 03.02.1975 vide document No.180 of 1975 on the file of the Sub Registrar, Thirukazhukundram. That time, the petitioner was called as Munusamy and as such in the sale deed, his name was mentioned as Munusamy S/o Chellappa Naicker. However, the during school time, his name was changed as Muthu. Therefore, his school transfer certificate stood in the name as C.Muthu. In fact, the petitioner was issued patta in the name of Muthu alias Munusamy S/o.Chellappan. In the name of Muthu @ Munusamy, he executed settlement deed dated 28.04.2021 in favour of his two sons and presented the same for registration on 27.07.2021 before the first respondent. However, the first respondent without registering the same, issued the impugned check slip for the reason that the parent document of the settlement deed for the said property stood in the name of Munusamy S/o Chellappa Naicker. Therefore, the petitioner was directed to produce the document to show that both the person called Muthu and Munusamy are one and the same.

3. On perusal of records, revealed that the petitioner's mother purchased the property in the name of the petitioner by the registered sale deed dated 03.02.1975. The school leaving certificate of the petitioner stood in the name of Muthu. The patta No.1230 issued for the same property in the name of Muthu @ Munusamy. Admittedly, there is no rival claim for the said property. That apart, the petitioner executed settlement deed in favour of his two sons and as such there cannot be any impersonation by other person.

4. Considering the above, the impugned check slip is liable to be set aside and accordingly, the impugned check slip dated 27.07.2021 is set aside. The first respondent is directed to register the settlement deed dated 28.04.2021 and release the same forthwith.

5. With the above direction, this writ petition is allowed. No order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

lok



To

1.The Sub Registrar,
Thirukazhukundram,
No.8/45, Kammala Street,
Thirukazhukundram 603 109.

2.The District Registrar, Chengalpet,
No.10, Kanchipuram Main Road,
Chengalpet Bazaar, Chengalpet 603 002.

+1cc to Mr.Arun Anbumani, Advocate, S.R.No.58218

+1cc to the Government Pleader, S.R.No.58210

WP.No.24073 of 2021

NRL (CO)
RVM(26/11/2021)