



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10569 of 2021

Mr.P.Suresh Kumar

... Petitioner

Vs.

1.The District Registrar (Administration),
District Registrar Office,
District Collector Office,
Dindigul, Dindigul District.

2.The Sub Registrar, Nagal Nayakanpatti,
District Registrar Office,
District Collector Office,
Dindigul, Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip No.RFL/Nagalnayakanpatti/2/2021 issued by the 2nd respondent herein dated 20.04.2021 and quash the same as illegal and direct the 2nd respondent to register the settlement deed presented before the 2nd respondent office dated 20.04.2021.

For Petitioner : Mr.S.Sarvagan Prabhu

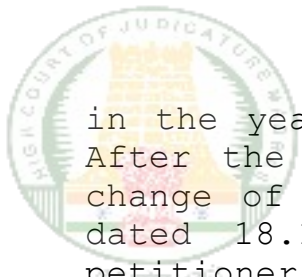
For Respondents : Mr.R.Suresh Kumar,
Government Advocate

ORDER

On consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. The subject matter of challenge in the present Writ Petition is the refusal check slip issued by the second respondent dated 20.04.2021 and for consequential direction to the second respondent to register the settlement deed presented by the petitioner.

3. The case of the petitioner is that the subject property was originally assigned in favour of the grandmother of the petitioner



in the year 1986 and a house site patta was issued in her name. After the demise of the grandmother, the petitioner applied for change of the patta in his name and accordingly, by proceedings dated 18.12.2015, the assignment was made in favour of the petitioner.

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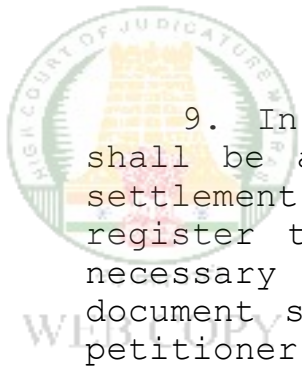
4. The petitioner executed a settlement deed in favour of his wife and the same was presented for registration before the second respondent. The second respondent insisted for a no objection certificate from the special Tahsildar. In spite of the production of the necessary proceedings of the special Tahsildar, the second respondent refused to register the document on the ground that alienation has been made within a period of 30 years and the same is against the condition imposed in the assignment patta. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents.

6. A careful perusal of the documents that have been filed along with the Writ Petition shows that the special Tahsildar, through a letter dated 10.11.2020, has informed the second respondent that the petitioner can execute a settlement in favour of his wife and there is absolutely, no prohibition to execute such a deed under the assignment patta. That apart, the Special Tahildar also made it clear that there is no objection for the revenue regarding the execution of such a document. That apart, the District Registrar, by a letter dated 04.01.2021, informed the second respondent that there is no objection in the petitioner executing the settlement deed in favour of his wife and it is not in violation of the condition prescribed in the assignment patta.

7. The grievance of the petitioner is that in spite of the letter issued by the special Tahsildar and the District Registrar, the second respondent issued the impugned refusal check slip by stating that there is a bar for executing any document for 30 years and therefore, the document cannot be registered.

8. In the considered view of this Court, a no objection has been given by the special Tahsildar and it has been subsequently clarified by the District Registrar and therefore, there was absolutely no reason for the second respondent to refuse to register the document. Therefore, this Court has no hesitation to interfere with the impugned refusal check slip issued by the second respondent and accordingly, the same is quashed.



9. In the result, this Writ Petition is allowed and there shall be a direction to the second respondent to entertain the settlement deed presented for registration by the petitioner and register the same immediately, if it is otherwise in order and necessary stamp duty and registration charges are paid. The document shall be released immediately after registration to the petitioner. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Registrar (Adminsitration),
District Registrar Office,
District Collector Office,
Dindigul, Dindigul District.

2.The Sub Registrar, Nagal Nayakanpatti,
District Registrar Office,
District Collector Office,
Dindigul, Dindigul District.

+1 CC to SPL GP (SR-20435[F] dated 28/06/2021)

+1 CC to MR.S.SARVAGAN PRABHU, Advocate (SR-20281[F] dated 25/06/2021)

W.P. (MD)No.10569 of 2021
25.06.2021

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