



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.11025 of 2021
and WMP(MD) Nos.8656 and 8657 of 2021
(Through Video Conferencing)

G.Navaneetha Krishnan

... Petitioner

Vs.

1.The Sub Registrar,
Ottanchatram Registration Office,
Dindigul District.

2.G.Manimegalai

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned order of the 1st respondent passed on 10.06.2021 vide order in RFL/Ottanchathiram/25/2021 and quash the same as illegal and further directing the 1st respondent to register the document dated 09.06.2021 executed by the petitioner relating to land situated in Survey number 536/1 admeasuring 1 acre and 20 cents at Palakanoothu Village, Dindigul District.

For Petitioner :Mr.A.K.Azhagarsami
For Respondents :Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the first respondent dated 10.06.2021, wherein the sale deed that was presented for registration by the petitioner was refused to be registered on the ground that the petitioner does not have any title over the property.

2. It is the case of the petitioner that the subject property originally belonged to his mother by virtue of a registered sale deed dated 16.07.2001 registered as Document No.1125/2001. The further case of the petitioner is that his mother executed an unregistered settlement deed in favour of the petitioner on 10.06.2002. Thereafter the petitioner claims to be in possession and enjoyment of the property.



3. The petitioner wanted to sell the subject property in favour of one Murugesan. Hence, a sale deed was executed on 09.06.2021 and it was presented for registration before the first respondent.

4. The first respondent refused to register the sale deed on the ground that the so called settlement deed executed in favour of the petitioner is an unregistered document and therefore, there is no title for the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

6. In the considered view of this Court, the petitioner is claiming right over the subject property by virtue of a settlement deed executed by his mother. However, the settlement deed has not been registered. It is also stated that the mother of the petitioner has no objection in selling the property in favour of Murugesan. The petitioner has made his mother as one of the witness in the document in order to establish that his mother does not have any objection to sell the property. A witness can only speak about the execution of a document and cannot confirm a title.

7. The most appropriate manner in which the petitioner can convey the property is by making his mother as a confirming party in the document, thereby the petitioner and his mother will be the vendors and a clear title can be conveyed to the purchaser of the property.

8. In view of the same, there shall be a direction to the petitioner to make his mother a confirming party in the sale deed and thereafter present the document for registration before the first respondent. The first respondent, on receipt of the document, shall register the same, if it is otherwise in order and if the necessary stamp duty and registration charges are paid.

9. This writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RR

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 Sub Registrar,
Ottanchatram Registration Office,
Dindigul District.

+1 CC to M/s.SPL GP (SR-21500[F] dated 07/07/2021)

W.P. (MD) No.11025 of 2021

05.07.2021

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