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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.11538 of 2021

N.Muthu Karuppan ... Petitioner

Vs.

1.The Sub Registrar,
Vathirairuppu,
Virudhunagar District – 626 132.

2.M.Vijaya Lakshmi ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned refusal check slip RFL/Vathirairuppu/10/2021, dated 10.06.2021, issued by the 1st respondent and quash the same and consequently to direct the 1st respondent to register the settlement deed, dated 10.06.2021 executed by petitioner in favour of the petitioner's daughter, the 1st respondent herein regarding the property admeasuring 490.25 square feet in Natham Survey Number.493/1A 16 at Vathirairuppu Revenue Village with a house bearing Door No.53 E at Vaniga Vasiyar East Street, Vathirairuppu, Srivilliputhur Taluk. Virudhunagar District.

For Petitioner : Mr.S.R.Anbarasu
For R1 : 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.

2. The case of the petitioner is that he is the owner of the subject property and he was also provided with the benefits under the scheme of Prime Minister Aadhars Grama Yojana and thereby, the petitioner also constructed a house in the property. The further case of the petitioner is that he is also paying necessary property tax and even the Aadhar Card has been issued to the petitioner in the same address. That apart, the petitioner has also received a possession certificate from the Village Administrative Officer.

3. The petitioner wanted to settle the property in favour of his daughter, who is the second respondent herein. Accordingly, a settlement deed was executed on 10.06.2021 and presented before the first respondent. The grievance of the petitioner is that the first respondent refused to register the documents on the ground

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that the petitioner has not submitted patta/house tax receipt. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.S.R.Anbarasu, learned counsel appearing forthe petitioner and Mr.M.Lingadurai, learned Government Advocate appearing on behalf of the first respondent.

5. It is seen from records that the petitioner has put up a construction in the property based on a subsidy scheme and the allotment order has been issued by the Executive Officer of the Town Panchayat Union on 01.03.2018. That apart, the property has also been assessed and the property tax receipt has also been given in the name of the petitioner. It is also seen that the Aadhar Card has also been issued to the petitioner, wherein, the same address has been mentioned. The petitioner has also received a possession certificate from the Village Administrative Officer.

6. Even according to the first respondent, the petitioner ought to have submitted the patta or the house tax receipt. In this case, the petitioner has submitted the house tax receipt and the petitioner does not have any patta in his name. The first respondent has proceeded to return the document on the ground that the petitioner has not produced the patta.

7. In the considered view of this Court, the documents filed by the petitioner shows that he is in possession and enjoyment of the property and the property has also been assessed to property tax. The petitioner wants to settle this property in the name of his daughter. Therefore, there cannot be any objection on the part of the first respondent to register the document.

8. In view of the above discussion, the impugned refusal check slip issued by the first respondent, dated 10.06.2021, is hereby quashed and there shall be a direction to the first respondent to receive the document and register the same, if it is otherwise in order and the necessary stamp duty and registration charges are paid. The document shall be released immediately after registration.

9. This Writ Petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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To

The Sub Registrar,
Vathirairuppu,
Virudhunagar District - 626132.

+1 CC to M/s.G.RAJAGURU, Advocate (SR-22235[F] dated 13/07/2021)
+1 CC to M/s.SPL GP (SR-22306[F] dated 13/07/2021)

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CM(CO)
LR (19.07.2021) 3P 4C

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