



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18847 of 2021

S.Kameshwaran

... Petitioner

Vs.

The Sub Registrar,
Sholavanthan Sub Registrar Office,
Madurai District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned refusal check slip in RFL/Sholavanthan/26/2021 dated 06.08.2021 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 06.08.02021 executed by the petitioner in favour petitioner's son viz. Sivasubbramanian on re-representation within stipulated time fixed by this Court.

For Petitioner : Mr.K.R.Manimaran

For Respondent : Mr.K.S.Selva Ganesan
Counsel for State

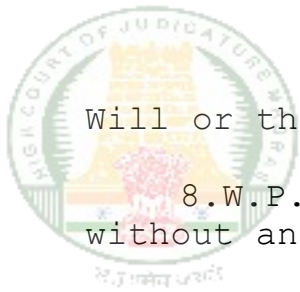
ORDER

The petitioner assails a refusal check slip dated 06.08.2021 of the respondent.

2.The petitioner traces title to the property bearing old S.No.724/8, new S.No.773/26, Ward No.7, Sholavanthan Village, Vadipatti Taluk, Madurai District, through his mother, namely, S.Chellammal. It is asserted that the petitioner's mother purchased the said property under a registered sale deed dated 07.09.1995, bearing Document No.1131/1995. Thereafter, by Will dated 30.06.2007, it is stated that the property described in schedule "B" property to the said Will was bequeathed in favour of the petitioner. Upon the demise of the petitioner's mother on 18.01.2009, it is stated that the said Will came into force and succeeded to the estate described in schedule "B".



7. In the aforesaid facts and circumstances, the petitioner is permitted to take necessary steps to obtain a mutation of the patta in his name. Once the petitioner obtains the mutated patta, the petitioner is permitted to resubmit the document for registration before the respondent. Upon such re-submission, the respondent is directed to receive such document and initiate necessary action thereon without insisting on registration of the



Will or the obtaining of a probate in respect thereof.

8.W.P.(MD).No.18847 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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

The Sub Registrar,
Sholavanthan Sub Registrar Office,
Madurai District.

+1 CC to M/s.SPL.GP (SR-32572[F] dated 26/10/2021)

+1 CC to M/s.S.MANIMARAN, Advocate (SR-32600[F] dated 26/10/2021)

W.P(MD).No.18847 of 2021
25.10.2021

RK/UV (02/11/2021) 3P 4C