



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.19378 of 2021

K.R.Srinivasan

... Petitioner

Vs.

The Sub-Registrar,
K.Sathanoor Sub Registrar Office,
Trichy 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 the impugned refusal check slip No.64 of 2021 dated 23.07.2021 issued by the respondent and quash the same and consequently directing the respondent to register the settlement deed dated 23.07.2021 executed by the petitioner in favour of his wife in S.No.165/5, T.S.No.35, Ward No.AV, Block No.14, Kottapattu Village, Tiruchirappalli District.

For Petitioner : Mr.C.Vakeeswaran
For Respondent : Mr.P.Subbaraj
Counsel for State

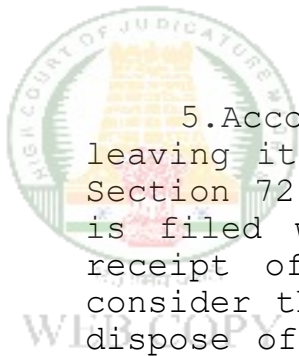
ORDER

The petitioner assails a refusal check slip dated 23.07.2021 by which his request for registration of a settlement deed was rejected on the ground that the relevant property is registered in the names of multiple pattathars and that, therefore, a subdivision should be effected before presenting the document for registration.

2.The petitioner assails the relevant order on the ground that such order is contrary to the provisions of the Registration Act, 1908 and the Rules framed thereunder.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for the sole respondent.

4.The impugned order has been issued under Section 71 of the Registration Act, 1908. Under Section 72 thereof, an appellate remedy is provided. By the impugned order, as indicated above, the respondent has rejected the request for registration on perusal of the patta issued in relation to S.No.165/5, which indicates the names of six persons, including the petitioner. As such, questions of fact arise for determination and in view of the statutory alternative remedy, the petitioner is not entitled to discretionary relief.



5. Accordingly, W.P.(MD).N).19378 of 2021 is disposed of by leaving it open to the petitioner to file a statutory appeal under Section 72 of the Registration Act, 1908. If such statutory appeal is filed within a period of fifteen (15) days from the date of receipt of a copy of this order, the appellate authority shall consider the same without going into the question of limitation and dispose of the same expeditiously on merits and in accordance with law. However, there will be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// 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,
K.Sathanoor Sub Registrar Office,
Trichy District.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-33578[F] dated 02/11/2021)

+1 CC to M/s.SPL.GP (SR-33520[F] dated 02/11/2021)

W.P(MD).No.19378 of 2021
01.11.2021

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