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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3341 OF 2022

S.Velusamy

... Petitioner

.Vs.

1. The District Registrar,
Tiruppur Registration District,
Tiruppur,
Tiruppur District.

2. The Sub Registrar,
Nallur Registrar Office,
Tiruppur District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/Nallur-Tiruppur/3/2022 dated 04.01.2022 issued by the second respondent, quash the same and consequently to direct the second respondent to register the settlement deed dated 25.11.2021 executed by the petitioner in favour of his wife Tmt.Santhanalakshmi in respect of the house with land measuring 2090 sq.ft., (194.17 sq.meter) comprised in SF No.632/2A2, patta No.4619, situates in Bharathi Nagar, Veerapandi Village, Tiruppur District.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/Nallur-Tiruppur/3/2022 dated 04.01.2022 issued by the second respondent, to quash the same and consequently to direct the



second respondent to register the settlement deed dated 25.11.2021 executed by the petitioner in favour of his wife in respect of the house with land measuring 2090 sq.ft., (194.17 sq.meter) comprised in SF No.632/2A2, patta No.4619, situated in Bharathi Nagar, Veerapandi Village, Tiruppur District.

2. The case of the petitioner is that the petitioner purchased 2420 sq.ft. comprised in SF No.632/1, Veerapandi Village, from one C.Radhakrishnan and his sister C.Rukamni. Thereafter, the petitioner executed gift deed dated 15.04.1998 for an extent of 264 sq.ft., in favour of the President of Nallur Village Panchayat for the purpose of road and executed settlement deed dated 25.11.2021 in favour of his wife in respect of the remaining extent of 2090 sq.ft. and presented the same before the second respondent on 04.01.2022 for registration, however, it was returned by way of the impugned check slip. Aggrieved by the same, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner submitted that one C.Radhakrishnan and his sister C.Rukamni are the share holders of the subject property and the petitioner purchased the subject property from one C.Radhakrishnan in the year 1993 and from the his sister C.Rukamni in the year 1999. The petitioner executed gift deed in favour of the President of Nallur Village Panchayat for the purpose of road during the year 1998 and thereafter there was sub division. The petitioner executed settlement deed in favour of his wife during the year 2021. The learned counsel further submitted that the sale deed is not the revenue record issued by the revenue officials and further submitted that the second respondent has no power to refuse registration of the settlement deed on the premises that there is sub division in the revenue records. Hence, the impugned order is not sustainable one.

4. The learned Special Government Pleader appearing for the respondents fairly conceded that the second respondent has no power to refuse registration of the settlement deed on the premises that there is sub division in the revenue records.

5. The facts in the present case is not disputed. Admittedly, the petitioner purchased 2420 sq.ft. comprised in SF No.632/1, Veerapandi Village, from one C.Radhakrishnan and his sister C.Rukamni who are shareholders. The petitioner executed gift deed dated 15.04.1998 for an extent of 264 sq.ft., in favour of the President of Nallur Village Panchayat for the purpose of road. Thereafter, there was sub division. The petitioner executed settlement deed dated 25.11.2021 in favour of his wife in respect of the remaining extent of 2090 sq.ft. and presented the same before the second respondent on



04.01.2022 for registration, however, it was returned by way of the impugned check slip.

6. The second respondent has no power to refuse registration of the settlement deed on the premises that there is sub division in the revenue records.

7. Hence, the impugned Refusal Check Slip in RFL/Nallur-Tiruppur/3/2022 dated 04.01.2022 issued by the second respondent is hereby set aside. The matter is remitted back to the second respondent for fresh consideration. The second respondent is directed to register the settlement deed dated 25.11.2021 executed by the petitioner in favour of his wife Tmt.Santhanalakshmi in respect of the house with land measuring 2090 sq.ft., (194.17 sq.meter) comprised in SF No.632/2A2, patta No.4619, situated in Bharathi Nagar, Veerapandi Village, Tiruppur District, if it is otherwise in order and subject to payment of necessary stamp duty and registration fees.

8. The writ petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Tiruppur Registration District,
Tiruppur,
Tiruppur District.
2. The Sub Registrar,
Nallur Registrar Office,
Tiruppur District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.13446
+1cc to the Government Pleader, S.R.No.13817

W.P.NO.3341 OF 2022

SPD(CO)
PBS/22/03/2022