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W.P.No.25557 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25557 of 2022

S.Malliga

... Petitioner

Vs.

1.The Sub Registrar,
Gangavalli,
Gangavalli Post & Taluk,
Salem District – 636 105.

2.Rajeshwari

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to receive the settlement deed dated 03.09.2022 submitted by the petitioner for registration and register the same.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.C.Kathiravan,
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus to direct the first respondent to receive the settlement deed dated



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03.09.2022 submitted by the petitioner for registration and register the same.

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2. Since no adverse order has been passed against the second respondent, notice to the second respondent is dispensed with.

3. The case of the petitioner is that the agricultural land in S.No.94/2C to the extent of 0.80 cent, S.No.94/3A to the extent of 0.80 cent in D.No.754/1998, S.No.77/8 to the extent of 0.88 cent and S.No.79/2 to the extent of 0.39 ¼ cent in total 1.27 ¼ cent in sale deed in D.No.131/1989, terraced house in S.No.337/1B in D.No.738/1993 to the extent of 270 Sq.ft., S.No.337/1B in D.No.1335/1995 to the extent of 292 ½ sq.ft., S.No.337/1B in D.No.1336/1995 to the extent of 472 ½ sq.ft., and situated at Veeraganur Village, Thalaivasal Taluk, Salem District is petitioner's self -earned property. In order to execute a settlement deed in respect of the above property in favour of petitioner's grandson viz., Minor.K.Kavisainath, the petitioner presented the token slip on 12.09.2022 for registering the settlement deed dated 03.09.2022 before the first respondent. However, the said registration slip was rejected by the first respondent on the ground that



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second respondent has issued a legal notice dated 22.07.2022 to the first respondent to not register the settlement deed. Aggrieved over the same, the petitioner has filed this present writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that this Court may permit the petitioner to file a fresh online application before the first respondent for registering the settlement deed dated 03.09.2022, within a stipulated time limit that may be fixed by this Court.

5. Learned Additional Government Pleader appearing for the first respondent has no objection for the said order being passed.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the facts and circumstances of the case and the limited request sought for by the petitioner, this Court without going into the merits



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of this case, issues the following directions:

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(i) petitioner is directed to file a fresh online application before the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such online application, the first respondent is directed to entertain the same on merits and in accordance with law, within a period of four weeks thereafter.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

22.09.2022

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Index : Yes/No

Speaking Order : Yes/No



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To:

The Sub Registrar,
Gangavalli,
Gangavalli Post & Taluk,
Salem District – 636 105.



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M.DHANDAPANI,J.

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