



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28245 of 2021

Sankar

...Petitioner

Vs.

The Sub-Registrar,
Chetpet,
Tiruvannamalai District.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records relating to impugned refusal check slip of the respondent refusal Number:RFL/Chetpet/6/2021 dated 03.12.2021 and quash the same and consequently direct the respondent to register the settlement deed in favour of the petitioner on its presentation.

For Petitioner	: Mr.S.Arokiamaniraj
For Respondent	: 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 records relating to impugned order passed by the respondent dated 03.12.2021 and quash the same and consequently direct the respondent to register the settlement deed in favour of the petitioner.

2. The case of the petitioner is that the property situated at Tiruvannamalai District, Chetpet Taluk, Gangapuram Village, comprised in Survey No.352/2B was owned by the petitioner's father and also he has acquired patta for the said land in Patta No.236 on the file of Chetpet Taluk Office. The father of the petitioner died on 10.05.2016, leaving behind his two sons, daughter and petitioner as his legal heirs. On 24.11.2020, the petitioner's two brothers and sister executed a settlement deed, settling the property in favour of the petitioner on the file of the respondent. However, the same was rejected by the respondent. Hence, this writ petition.



3. The learned counsel for the petitioner submitted that the respondent has rejected the settlement deed to be executed in favour of the petitioner by a refusal check slip by citing the reason that the parent document, the death and legal heir certificate was not produced. However, there is no parent document available with the parties as the property is the ancestral property and only based on the patta, the documents are registered. Hence, without going into the merits of the case, it would suffice, if this Court grants liberty to the petitioner to produce the copies of the concerned documents before the respondent and to direct the respondent to consider the same and pass appropriate orders.

4. The learned counsel appearing for the respondent has no objection in the above said order being passed.

5. In view of the fair submission made by the learned counsel for the petitioner, this Court is not inclined to interfere with the impugned order passed by the respondent. However, it is open to the petitioner to produce the copies of the parent document, death and legal heir certificates relating to the disputed property before the respondent and on such production, the respondent may consider the instrument and pass appropriate orders in accordance with law.

6. This Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Chetpet,
Tiruvannamalai District.

+1 CC to Mr.S.Arokiamaniraj, Advocate sr 8272
+1 CC to The Government Pleader sr 9002.

W.P.No.28245 of 2021

NRL (CO)
SP(02/03/2022)