



1

W.P.(MD)NO.328 OF 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.07.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.328 of 2021**

K.Ponmari

... Petitioner

**Vs.**

1. The District Registrar(Administration),  
Registration Department,  
Dindigul District,  
Dindigul.
2. The Sub Registrar,  
Nagalnayakkanpatti Sub Registrar Office,  
Nagalnayakkanpatti,  
Dindigul District.
3. T.Mallika  
(R-3 is impleaded vide Order dated 15.12.2021  
in W.M.P.(MD)No.8213 of 2021)

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter issued by the second respondent herein in Na.Ka.No.127 of 2020 dated 11.01.2021 and to quash the same as illegal, improper and against the statute under Section 61(2) of the Registration Act 1908 and consequently direct the second respondent herein to deliver and hand over



the registered gift settlement deed dated 19.11.2020 registered on 21.11.2020 bearing document No.6511 of 2020 to the petitioner or to the petitioner's son namely, K.Alagarsamy, beneficiary of the document after getting back from the third respondent herein.

(Prayer is amended vide Order dated 12.07.2022 in W.M.P. (MD)No.10419 of 2022)

For Petitioner : Mr.A.Saravanan

For R-1 & R-2 : Mr.M.Sarangan,  
Additional Government Pleader.

For R-3 : Mr.Kannan

\* \* \*

### **ORDER**

Heard the learned counsel on either side.

2. The writ petitioner is none other than the mother of the impleaded respondent. The petitioner and her three daughters jointly executed the petition mentioned document in favour of the petitioner's son Alagarsamy. After the document was executed, it was presented for registration before the second respondent. The registration formalities were



completed. The grievance of the petitioner is that instead of handing over the original registered document to her, it was handed over to the third respondent. Challenging the same, the present writ petition has been filed.

3. It is true that the third respondent was also the co-executant of the settlement deed. The only question that arises for consideration is as to whom the document should have been handed over. The learned counsel appearing for the petitioner draws my attention to Section 61(2) of the Registration Act. It reads as follows:-

**“ 61. Endorsements and certificate to be copied and document returned – (1) ..**

**(2)** The registration of the document shall, thereupon, be deemed complete, and the document shall, then, be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52. ”





Court, for an injunction to restrain the registering  
WEB COPY officer from returning the document. "

6. The impugned communication issued by the second respondent is set aside. This writ petition stands allowed. No costs.

**12.07.2022**

Index : Yes / No  
Internet : Yes/ No

PMU

Note : Issue order copy on 14.07.2022.

**To:**

1. The District Registrar(Administration),  
Registration Department,  
Dindigul District,  
Dindigul.
2. The Sub Registrar,  
Nagalnayakkanpatti Sub Registrar Office,  
Nagalnayakkanpatti,  
Dindigul District.



WEB COPY



6

W.P.(MD)NO.328 OF 2021

**G.R.SWAMINATHAN,J.**

PMU

W.P.(MD)No.328 of 2021

12.07.2022