



W.P(MD)Nos.9982 and 10432 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.9982 and 10432 of 2022

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W.P.(MD)No.9982 of 2022:-

Muthumanickam

... Petitioner

Vs.

The Sub Registrar,
Ponnamaravathi,
Pudukottai 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 of the impugned refusal check slip in Refusal No:RLF/PONNAMARAVATHI/20/2022 dated 02.05.2022 issued by the respondent, quash the same as illegal and consequently direct the respondent to register the release deed in respect of the property comprised in Survey No:1286/2, 3, 4 of Varpattu Village, Ponnamaravathi Taluk, Pudukottai District.

For Petitioner : Mr.R.Ramanathan

For Respondent : Mr.J.K.Jayaseelan,
Government Advocate.



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W.P.(MD)No.10432 of 2022:-

Muthumanickam

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai.

2.The District Registrar,
Kararaikudi.

3.The Sub Registrar,
Ponnamaravathi,
Pudukottai District.

... Respondents

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 of the impugned refusal check slip in Refusal No:RLF/PONNAMARAVATHI/21/2022 dated 20.05.2022 issued by the respondent, quash the same as illegal and consequently direct the respondent to register the release deed in respect of the property comprised in Survey No:1286/2, 3, 4 of Varpattu Village, Ponnamaravathi Taluk, Pudukottai District.

For Petitioner : Mr.R.Ramanathan

For Respondents : Mr.J.K.Jayaseelan,
Government Advocate.



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COMMON ORDER

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Heard the learned counsel on either side.

2.The petition mentioned properties measuring 3.75 acres belonged to one Annamalai Chettiar. He was blessed with two sons namely, Muthumanickam and Raja Annamalai. Raja Annamalai passed away leaving behind a son by name Thiyagarajan. Annalamalai Cheetiar executed a will dated 18.04.1994 bequeathing the properties in equal shares in favour of his son namely, Muthumanickam and grandson Thiyagarajan. Thiyagarajan executed a release deed in favour of his uncle Muthumanickam and the same was presented for registration before the respondent. The respondent issued the impugned refusal check slips stating that the petition mentioned properties are situated in an unapproved layout. Challenging the refusal check slip, these writ petitions came to be filed.

3.It is seen that the layout approval for the petition mentioned lands was already given way back in the year 2010. The Deputy Director of Town and Country Planing, Sivagangai issued technical approval on 08.10.2010. It is further seen from the communication dated 19.03.2010 sent by the local body to the DTCP that final approval was also given. It is also seen that the road



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earmarked in the layout as well as park had already been gifted in favour of the local body. Thus, it is beyond dispute that the entire property is a properly approved layout. The reason given in the impugned refusal check slips is clearly incorrect and unsustainable. Therefore, the impugned refusal check slips are quashed and these writ petitions are allowed. The petitioner is permitted to resubmit the petition mentioned release deed before the respondent in W.P.(MD)No.9982 of 2022 and the respondent is directed to register the same subject to fulfilment of other usual formalities. No costs.

04.07.2022

Index : Yes / No
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G.R.SWAMINATHAN, J.

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