



W.P(MD)No.12273 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12273 of 2022

M.Veeraperumal

... Petitioner

Vs.

1.The District Registrar,
Theni District.

2.The Sub Registrar,
Theni Taluk,
Theni 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 relating to the impugned proceedings of the 2nd respondent in Refusal Check Slip dated 25.05.2022 and quash the same and further direct the 2nd respondent to entertain the sale deed dated 20.05.2022 for registration and consequently to register and release the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader



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ORDER

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Heard the learned counsel on either side.

2.The petitioner purchased the petition mentioned property from one Rajeshkannan vide sale deed dated 20.05.2022. It was presented for registration before the second respondent. The properties originally belonged to one Balaraman. There was a family arrangement involving Balaraman and his four sons which included the petitioner's vendor/Rajeshkannan on 28.05.2021. Subsequently, Balaraman passed away on 25.09.2021. In the said family arrangement, the petition mentioned property was allotted to the share of Rajeshkannan. The sale deed presented by the writ petitioner was not registered and the impugned refusal check slip was given on the ground that the family arrangement dated 28.05.2021 was not registered and that the patta in respect of the petition mentioned property had not been transferred and it continued to be in the name of Balaraman. Questioning the same, the present writ petition has been filed.

3.The issue raised in the writ petitioner is no longer *res integra*. In the decision reported in **2022 (3) CTC 598 (T.S.R.Venkat Ramana Vs. State of Tamil Nadu)**, it was held as follows:



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“6. In the considered view of this Court, the fourth respondent went wrong in finding that the family arrangement, which was reduced into writing as a document, has to be compulsory registered and since this has not been done, the settlement deed that was presented by the petitioner cannot be registered. The facts of the present case is that there was already an oral partition among the family members and the properties were also allotted among the children and subsequently, it was reduced into writing by way of a family arrangement. It is now a settled law that if the family arrangement document merely records the earlier partition that has already taken place, the same does not require any registration. Useful reference can be made to the judgment of this Court in the case of Vincent Lourdhenathan Dominique and another Vs. Josephine Sylva Dominique reported in 2008 (1) CTC 308 and reference can also be made to the judgment of the Hon'ble Supreme Court in the case of Ravinder Kaur Grewal and Others Vs. Manjit Kaur and Others reported in (2020) 6 MLJ 500.”

4.Non mutation of patta also cannot be a reason for refusal to registration. If the memorandum of family arrangement is taken into account, then, the non mutation of patta will pale into insignificance. Respectfully following the aforesaid decision, the impugned refusal check slip is quashed and the petitioner is permitted to represent the sale deed and the second respondent is directed to receive the same and register it subject to fulfilment of other formalities.



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5.The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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