



W.P.(MD)No.12798 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12798 of 2022

U.Rahima Kani

... Petitioner

Vs.

1. The Sub Registrar,
Paramakudi,
Ramanathapuram District.

2. The District Registrar,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari Mandamus, calling for the records relating to the refusal slip in Ref:RFL/Paramakudi/4/2020 dated 30.09.2020 on the file of the first respondent to quash the same and further directing the first respondent to receive and register the settlement deed dated 30.09.2020 executed by the petitioner in favour of his son Sikkandar.



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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.J.K.Jayaseelan
Government Advocate

ORDER

Heard the learned counsel on either sides.

2. The petitioner executed a settlement deed dated 30.09.2020 in favour of her son. However, the first respondent declined to register the document on the ground that the link document through which the petitioner is tracing her title has not been registered. Challenging the refusal check slip, this Writ Petition came to be filed.

3. It is seen from the records that the property originally belonged to Kaattu Bava Rowther. He was blessed with four children namely Ajeez, Usman, Seeni Mohamed and Abdul Kareem. Abdul Kareem is no more and his son namely Mohamed Kani as well as Ajeez, Usman and Seeni Mohamed entered into a partition deed. The petition mentioned property



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was allotted to the share of Usman. Usman has bequeathed the property in favour of the petitioner on 24.02.2011. Based on the same, the present document has been executed. The stand of the Registering Authority is that these documents have not been registered.

4. As rightly pointed out by the learned counsel appearing for the writ petitioner, the case on hand is based on Mohamed Kani's bequest and it does not require registration. The petitioner has no objection for putting the other pattathars on notice. The revenue records indicates the names of Ajeez, Seeni Mohamed, Usman and son of Abdul Kareem and other pattathars. Therefore, if the first respondent has any doubt regarding the genuineness of 1992 document, he can issue notice to the other three pattathars and on being satisfied about the genuineness of the partition deed dated 18.04.1992, proceed to register the petition mentioned settlement deed towards subject to fulfillment of the other formalities. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above directions, the impugned check slip is quashed and the Writ Petition is allowed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

vji

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