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W.P.(MD)NO.13926 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13926 of 2022

Nesamani

... Petitioner

Vs.

The Sub Registrar,
Uthumali,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal slip issued by the respondent in RFL/UTHUMALAI/16/2022 dated 18.04.2022 and quash the same as illegal, arbitrary and non-application of mind and consequently direct the respondent to register the settlement deed presented by the petitioner dated 18.04.2022.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondent.

2. The property in question was allotted to the share of the writ petitioner in a family partition. The partition deed dated 07.10.2021 was also executed. It was duly registered by the respondent herein. Thereafter, the petitioner settled the said property in favour of his grandson. The respondent refused to entertain the document and issued the impugned refusal check slip on the ground that the writ petitioner has to execute donation deed conveying the road portion in favour of the local body. The said refusal check slip is put to challenge in this writ petition.

3. The ground of rejection is patently unsustainable. The petitioner is having every right to settle the property that was allotted to her in the partition. The partition deed was also registered. Therefore, questioning the right of the petitioner to execute donation deed in favour of the local body



does not arise at all. The respondent has completely misdirected himself both on facts as well as in law. The impugned refusal check slip is quashed. This writ petition stands allowed. The petitioner is permitted to re-present the document in question. The respondent shall receive it, register the same and release it subject to fulfilment of the usual formalities. No costs.

01.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Sub Registrar,
Uthumali,
Tenkasi District.



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G.R.SWAMINATHAN,J.

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