



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.18810 of 2022

Madasamy

..Petitioner

Vs

The Sub-Registrar,
Sayalkudi Sub-Registrar Office,
Ramanathapuram.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned refusal check slip in RFL/Sayalkudi/Block 2/2, dated 25.7.2022 as well as the consequential proceedings, dated 28.7.2022 in pending document No.P8/2022 issued by the respondent and to quash the same and consequently to direct the respondent to complete the entire registration formalities in respect of the Settlement Deed, dated 27.5.2022(P8/2022) and to release the same.

For Petitioner :Mr.M.P.Senthil

For Respondent :Mr.K.S.Selvaganesan
Addl. Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned refusal check slip in RFL/Sayalkudi/Block 2/2, dated 25.7.2022 as well as the consequential



proceedings, dated 28.7.2022 in pending document No.P8/2022 issued by the respondent and to quash the same and consequently to direct the respondent to complete the entire registration formalities in respect of the Settlement Deed, dated 27.5.2022(P8/2022) and to release the same.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that his grand-father Murugaiya died intestate on 12.6.1988, leaving behind his father Aandi as his sole legal heir to inherit his properties and his father was in absolute possession and enjoyment of the said properties. Subsequently, the Petitioner's father Aandi died intestate on 25.2.2004, leaving behind himself, his brothers Nallan, Palanivel, Madamuthu, Boopathi and his sisters vetrivel and Parvagthi to inherit his properties. The Petitioner's mother Paripooranam, his other sisters Muthukani, Chinnakkal predeceased his father Aandi and his sisters Muthukani and Chinnakkal died issueless. Subsequently, one of his brother Nallan died intestate on 18.4.2022 leaving behind his wife Shanmugathai, his sons Mariappan, Anandan and his daughter Murugeswari, as his legal heirs.The Petitioners brothers, sisters and legal heirs of his brother Nallan, his son Mariappan, Anandan and his daughter Murugeswari, except his wife Shanmugathai, out of their love and affection, had executed a Settlement Deed, dated 27.5.2022 in respect



of their share in the said properties in favour of the Petitioner. The settlement deed was presented for registration before the registering authorities on 27.5.2022 itself. The said document was not taken for registration and the same was kept pending and refused to complete the registration formalities and to release the document. The Petitioner further submits that instead of completing the registration and releasing the settlement deed presented for registration, the same was returned by refusal check slip in Refusal NO.B8/2022, dated 25.7.2022 stating that the Petitioner has not produced sufficient document to substantiate his possession. The first respondent directed the Petitioner to represent the document with relevant documents substantiating the factum of possession, without adverting to the joint patta enclosed along with settlement deed. The first respondent beyond his jurisdiction had asked for documents substantiating the possession of the executors. Furthermore, the original sale deed, dated 19.1.1950 in Document No. 178/1950 is also in their possession, for which, the certified copy of the same was produced, through which, the Petitioner's grand-father Murugaiya acquired right over the properties. The first respondent again issued another Check slip on 25.7.2022 reiterating the very same reason which was assigned in the earlier check slip and also by stating that the executors 6,7 and 8 does not come under the definition of family members and hence, necessary fees has to be paid by him for releasing the document. Challenging the same, the present Writ Petition has been



filed for the relief stated supra.

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4.The learned Additional Government Pleader appearing for the respondent would submit that as they are not family members, the fee paid by the Petitioner was not sufficient and also supporting documents were not produced before the authorities. If the Petitioner approached the respondent with relevant documents to prove the right over the properties, the same will be considered and appropriate orders will be passed, in accordance with law.

5.In view of the above submission, this Court directs the respondent to consider the case of the petitioner in respect of registration of the Settlement Deed, dated 27.5.2022(P8/2022), on production of necessary supporting documents for registration of the said document and on payment of requisite stamp duty and necessary fees by the Petitioner and complete the formalities of registration and release the document/Settlement Deed, as sought for, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition stands disposed of. No costs.

16.09.2022



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Index : Yes/No

Internet: Yes/No

vsn

To

The Sub-Registrar,
Sayalkudi Sub-Registrar Office,
Ramanathapuram.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.18810 of 2022

16.09.2022



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