



W.P.(MD)No.20554 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20554 of 2021

V.Sankari

... Petitioner

Vs.

The Sub Registrar,
Kodaikanal,
Dindigul District.

... Respondent

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 relating to the impugned refusal order of the respondent made in Refusal No:RFL/Kodaikanal/107/2021, dated 28.10.2021 and quash the same as illegal and consequently, direct the respondents to register and release the gift deed vide pending temporary Document No.TP/106539693/2021, dated 28.10.2021.

For Petitioner : Mr.S.Vikram

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



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ORDER

Heard the learned counsel on either side.

2. The petitioner claims title over the petition mentioned land on the strength of the settlement deed executed by her husband. According to the petitioner, it was her husband's ancestral property. The petitioner now wants to settle a portion of the same in favour of her second son. Since the land is not an approved layout, the respondent had declined to register the document. He issued refusal check slip in this regard. Challenging the same, this writ petition came to be filed.

3. The petitioner through her counsel gave an undertaking that in the settlement deed that is to be signed by the settlor as well as the settlee, there will be a specific recital that in that event of the settlee making an alienation, prior approval from the competent authority will be obtained.



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4. Recording the said undertaking, the petitioner is permitted to re-present the document in question after incorporating the aforesaid clause. There upon, the respondent shall register the same and release the document subject to fulfilment of usual formalities.

5. The Writ Petition is allowed. No costs.

05.07.2022

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Kodaikanal,
Dindigul District.



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G.R.SWAMINATHAN,J.

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