



W.P(MD)No.23392 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23392 of 2022

A.Mary Stella Bai

... Petitioner

Vs.

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Sub Registrar,
Manavalakurichi Sub Registrar Office,
Manavalakurichi,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the second respondent to register the settlement deed dated 26.09.2022 of the petitioner in respect of the property in Survey No. 1035/4 in Old Survey No.1914 bearing patta No.4007 and house plot in New Survey No.19141036/7E in Old Survey No.877 bearing Patta No.4213 to an extent 5 cents situated in Vellichanthai-Aa Village, Kalkulam Taluk, Kanniyakumari District without insisting the petitioner to prove the Title of the property within a time limit stipulated by this Court.

For Petitioner : Mr.S.Saravana Kumar
For Respondents : Mr.K.S.Selvaganeshan
Additional Government Pleader



W.P(MD)No.23392 of 2022

ORDER

WEB COPY

This Writ Petition has been filed seeking a writ of Mandamus, directing the second respondent to register the settlement deed, dated 26.09.2022 of the petitioner in respect of the property in Survey No.1035/4 in Old Survey No.1914 bearing patta No.4007 and house plot in New Survey No. 19141036/7E in Old Survey No.877 bearing Patta No.4213 to an extent of 5 cents situated in Vellichanthai-Aa Village, Kalkulam Taluk, Kanniyakumari District without insisting the petitioner to prove the Title of the property.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the property in Survey No.1035/4 in Old Survey No.1914 bearing patta No.4007 and house plot in New Survey No.1036/7E in Old Survey No.877 bearing patta No.4213 to an extent of 5 cents situated in Vellichanthai, Aa Village, Kakkulam Taluk, Kanyakumari District. The land originally belongs to petitioner's husband's sister, namely, Annammal, who is unmarried woman. The petitioner and her husband, namely, Xavor Sundar Raj have taken care of the said Annammal. During the life time



W.P(MD)No.23392 of 2022

of said Annammal, she has executed a unregistered Will, dated 17.08.2022 in favour of the petitioner and thereafter, she died on 27.08.2022.

4. The petitioner decided to execute the settlement deed in her son's name and the same was presented before the second respondent on 26.09.2022 and the second respondent has issued refusal check slip, in which, he stated that to prove the title of property by way of documents, the petitioner has produced the parent document and patta stands in the name of Annammal and further she pointed out that the Will need not be registered. If the second respondent has doubt over the said Will, he has ample power to call for the attesting witness in the said Will, but the second respondent did not accept the petitioner's explanations and without conducting enquiry, issued the refusal check slip.

5. Mr.K.S.Selvaragavan, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has not produced any other material to show the relationship between the said Annammal and her and other parent documents were also not produced.

6. Considering the above submissions, this Court directs the petitioner to produce the documents to prove her title of the property, legal heir



W.P(MD)No.23392 of 2022

certificate and other related documents to the said settlement deed before the concerned authorities and the concerned authority shall take further steps in accordance with law.

With the above directions, this Writ Petition is disposed of. No Costs.

12.10.2022

Index : Yes / No
Internet : Yes / No
tta

To

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Sub Registrar,
Manavalakurichi Sub Registrar Office,
Manavalakurichi,
Kanyakumari District.



WEB COPY



W.P(MD)No.23392 of 2022

V.BHAVANI SUBBAROYAN,J.

tta

W.P(MD)No.23392 of 2022

12.10.2022