



W.P.No.5124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.5124 of 2023

R.Karuppanan

.... Petitioner

-Vs-

The Sub Registrar
Sub Registrar Office
Kodumudi, Erode District.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order of refusal by the proceedings on the file of the respondent vide Refusal Check Slip in Refusal Number RFL/Kodumudi/16/2022 dated 05.05.2022 and to quash the same and consequently direct the respondent to receive and entertain, register the Gift Settlement Deed dated 05.05.2022 executed by the petitioner in favour of his daughter B.Saraswathi without insisting upon a separate patta in the name of the petitioner insofar as it relates to the schedule mentioned properties thereunder situated at Chennasamuthiram 'B' Village, Kodumudi Sub Registration District, Erode Registration District.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

WEB COPY

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order of refusal by the proceedings on the file of the respondent vide Refusal Check Slip in Refusal Number RFL/Kodumudi/16/2022 dated 05.05.2022 and to quash the same and consequently direct the respondent to receive and entertain, register the Gift Settlement Deed dated 05.05.2022 executed by the petitioner in favour of his daughter B.Saraswathi without insisting upon a separate patta in the name of the petitioner insofar as it relates to the schedule mentioned properties thereunder situated at Chennasamuthiram 'B' Village, Kodumudi Sub Registration District, Erode Registration District.

2. The petitioner has presented a settlement deed for registration to the respondent, who on considering the same, has refused to register the document and issued a refusal check slip dated 05.05.2022, which is under challenge in this writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.



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4. In the impugned communication, the respondent had stated that the entire land which is covered under the settlement deed belongs to the petitioner R.Karuppanan and in this regard Court order has already been passed. Despite that, the respondent wants the petitioner to get patta for the entire land and produce the same and then only the document produced by the petitioner would be considered for registration.

5. When the Court has already passed an order declaring that the entire land covered under the settlement deed belongs to the petitioner, that would become a final one, based on which the petitioner has got every right to encumber the property and therefore he can settle the property in favour of anyone. When that being so, insistence on the part of the respondent to get patta and then only the document in question would be taken up for registration is totally unwarranted and unjustified. Hence, this Court has no hesitation to hold that the reason cited in the impugned refusal check slip would not be sustained and accordingly it has to be interfered with.

6. In the result, the impugned order is set aside and the matter is remitted back to the respondent for reconsideration. While reconsidering the same, based on the civil Court order / decree which has been mentioned by the respondent himself in the impugned order, the document in question presented by the



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R. SURESH KUMAR, J.

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petitioner shall be considered and it shall be taken up for registration if it is otherwise in order and registration shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

22.02.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The Sub Registrar
Sub Registrar Office
Kodumudi, Erode District.

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