



W.P.No.11140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11140 of 2023

P.Aiyamuthu

... Petitioner

Vs.

1. The District Registrar (Salem West),
No.313, 3rd Floor, District Registration Office campus,
Salem Collectorate Building,
Kottai Main Road, Salem- 636 001.

2. The Sub Registrar,
Magudanchavadi Sub Registrar Office,
Sankari Taluk, Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd Respondent S.R.O., Magudanchavadi, Sankari Taluk, Salem District to Accept the Gift Settlement Deed dated 16.03.2023 for Registration thereby considering the Petitioner's Application for pre-Registration Token Receipt No.TP/145711171/2023 dated 16.03.2023, within a stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.N.Vijaya Basker for
M/s.Law Vision

For Respondents :
(R1 & R2) :Mr.E.Sundaram, Govt.Advocate



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ORDER

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The relief sought in the present writ petition is to direct the second respondent to accept the Gift Settlement Deed dated 16.03.2023 for registration.

2.The petitioner states that the subject property, described in the writ petition, was allotted to the mother of the writ petitioner. The said property was partitioned between the family members and accordingly, the petitioner inherited 1/5th undivided share of the property. The petitioner presented the Gift Settlement Deed for Registration. However, the Registering Authority refused to receive the same. The petitioner submitted a representation to accept the document and register the same. Since no action was taken, the petitioner is constrained to move the present writ petition.

3.The learned Government Advocate, appearing on behalf of the respondent, made a submission that the petitioner has not presented the document and in this regard, the Sub Registrar has given a written instructions in letter dated 19.07.2022.



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4.The learned counsel for the petitioner states that he has presented the document by following the procedures. However, the documents are not available with the Registering Authority.

5.This being the factum, the petitioner is at liberty to represent the document before the Sub Registrar within a period of two (2) weeks from the date of receipt of a copy of this order and in the event of presentation of the said Gift Settlement Deed by the petitioner, the second respondent is directed to proceed with the registration by following the procedures as contemplated if the document presented is also in accordance with the provisions of the Registration Act.

6. Accordingly, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

19.07.2023



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S.M.SUBRAMANIAM. J.,

(sha)

To

1. The District Registrar (Salem West),
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2. The Sub Registrar,
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