



WEB COPY

W.P.No.24667 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24667 of 2023

N.Anbalagan

...Petitioner

Vs.

1.The District Registrar of Registration [Admin],
Ariyalur District,
Ariyalur.

2.The Sub-Registrar of Registration,
Udayarpalayam & Post,
Ariyalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the refusal check slip in RFL/Udayarpalayam/60/2023 dated 17.07.2023 and quash the same and consequently direct the second respondent to register the joint release deed dated 14.07.2023.

For Petitioner

: Mr.S.Kamadevan

For Respondents

: Mr.T.Arunkumar
Additional Government Pleader.

**ORDER**

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The refusal check slip issued by the second respondent in proceeding dated 17.07.2023 is under challenge in the present writ petition.

2.It is not in dispute that Smt.Annamayil instituted a suit in O.S.No.188 of 2022 for partition now pending on the file of the Sub Court, Ariyalur. The writ petitioner is the third respondent in the suit and the other family members are also co-defendants in the suit for partition which is pending. In order to settle the properties, the defendants in the suit presented a release deed for registration. The release deed was presented for the benefit of the writ petitioner. It is an arrangement made between the family members more specifically by the defendants to release their shares in favour of the writ petitioner. This being the factum, the registering authority is not empowered to refuse the document since the release deed is an independent document presented by the parties for registration. In the absence of any order of prohibition from the competent Court of law, the registering authority need not refuse the document for registration and in the present case, no such order has been issued by the competent civil Court of law and therefore, there is no impediment for proceeding with the registration in respect of the document



presented by the petitioner for registration.

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3. Accordingly, the refusal check slip issued by the second respondent in proceeding RFL/Udayarpalayam/60/2023 dated 17.07.2023 is quashed. The second respondent is directed to proceed with the registration by following the procedures and complete the registration within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands allowed. No costs.

22.08.2023

cse

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-Speaking Order



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S.M.SUBRAMANIAM, J.

cse

To

- 1.The District Registrar of Registration [Admin],
Ariyalur District,
Ariyalur.
- 2.The Sub-Registrar of Registration,
Udayarpalayam & Post,
Ariyalur District.

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