



W.P.No.29088 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29088 of 2023

K.Solai

... Petitioner

versus

The Sub Registrar,
Sankarapuram SRO,
Sankarapuram,
Kallakurichi District.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip in RFL/Sankarapuram/48/2023 dated 07.09.2023 quash the same and consequently to direct the respondent to register the Settlement Deed dated 07.09.2023 executed by the petitioner in favour of his wife Tmt.Chitra in respect of the property measuring 44 cents in S.F.No.64/8 and 1/10th share in the 5 H.P Motor Pump set and the Well in S.F.No.65, Thiyyagarajapuram Village, Sankarapuram Taluk, Kallakurichi District.



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For Petitioner : Mr.N.Manokaran

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage, itself.

2. The petitioner has filed the present writ petition seeking to quash the impugned Refusal Check Slip in RFL/Sankarapuram/48/2023 dated 07.09.2023 and consequently to direct the respondent to register the Settlement Deed dated 07.09.2023 executed by the petitioner in favour of his wife Tmt.Chitra in respect of the property measuring to an extent of 44 cents in S.F.No.64/8 and 1/10th share in the 5 H.P Motor Pump set and the Well in S.F.No.65, Thiyyagarajapuram Village, Sankarapuram Taluk, Kallakurichi District.

3. According to the petitioner, originally the aforementioned property belongs to one Valli, who is the aunt of the petitioner and patta also stands



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in her name. Since she has no issues, she executed a Will dated 20.04.2016 in favour of the petitioner. The testatrix Valli died on 21.04.2016 and her death was duly registered. After her death, the Will came into force and accordingly, the petitioner is in possession and enjoyment of the subject property as its absolute owner. While so, the petitioner executed a settlement deed dated 07.09.2023 in favour of his wife S.Chitra by tracing his title under the Will dated 20.04.2016. Hence, the petitioner presented the documents before the respondent for registering the settlement deed on 07.09.2023, but the respondent returned the same on the ground that no prior registered documents have been produced. Challenging the said impugned Refusal Check Slip dated 07.09.2023, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the impugned Refusal Check Slip dated 07.09.2023 issued by the respondent is *per se* arbitrary, illegal against the provisions of Indian Registration Act, 1908. There is no rival claim or dispute as to the title, hence, the respondent cannot have any legal impediment to register the document. He further



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remedy in the manner known to law. Hence, this writ petition is not maintainable.

7. In the light of the above facts, this writ petition is dismissed in limine. However, the petitioner is at liberty to work out his remedy in the manner known to law. There shall be no order as to costs.

09.10.2023

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

The Sub Registrar,
Sankarapuram SRO,
Sankarapuram,
Kallakurichi District.

Pg.Nos.5/6



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