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W.P.No.34998 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34998 of 2022

S.R.Subramani

... Petitioner

-Vs-

The Sub-Registrar,
Office of the Sub-Registrar,
Uthukuli, Tiruppur 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 Refusal Check Slip dated 30.11.2022 in RFL/Uthukuli/10/2022 issued by the respondent herein and quash the same and consequently direct the respondent to register the gift deed dated 08.11.2022 on representation within a time frame to be stipulated by this Court

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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The prayer sought for herein is for a writ of Certiorarified Mandamus to quash the impugned refusal check slip dated 30.11.2022 in RFL/Uthukuli/10/2022 issued by the respondent herein and consequently direct the respondent to register the gift deed dated 08.11.2022 on representation within a time frame to be stipulated by this Court.

2. The petitioner presented a document for registration dated 08.11.2022 i.e., gift deed at the respondent office, however the same was returned through the impugned refusal check slip by the respondent dated 30.11.2022.

3. Assailing the same, Mr.C.Munusamy, learned counsel appearing for the petitioner would submit that the petitioner through a partition has been allotted the property in question by way of preliminary decree and based on which, the petitioner wanted to register the gift deed, which has been refused by the registering authority by saying that unless the final decree passed and which is produced before the respondent, the present document cannot be accepted. The said reason cited by the respondent



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may not be justifiable, hence, the learned counsel appearing for petitioner seeks indulgence of this Court.

4. Heard M.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent, who would submit that, suppose in between the preliminary decree and final decree, if any change of schedule of the property by way of allotment made to various legal heirs, who filed the civil suit concerned, in order to verify the same, probably the reason might have been stated by the respondent. If that is the reason reflects in the impugned order that may be justifiable one, he contended.

5. I have considered the said submission made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Once the preliminary decree has already been passed in the partition suit, under which, the property in question has been allotted to the petitioner, he has become the absolute owner of the property, which the petitioner can exploit through legal means. Therefore, the deed



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submitted by the petitioner dated 08.11.2022 for registration can very well be accepted by the respondent, if it is otherwise in order and hence, the reason now stated in the impugned communication by the respondent may not be justifiable. Therefore, this Court has no hesitation to hold that the impugned order is liable to be interfered with.

7. In the result, the impugned order is set aside and the matter is remitted back to the respondent with a direction to accept the document in question i.e., gift deed dated 08.11.2022 from the petitioner and do the needful for registering the same, if the document is otherwise in order.

With this direction, this writ petition is disposed of. No costs.

03.01.2023

Index : Yes/No
Speaking order: Yes/No

mp



To

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The Sub-Registrar,
Office of the Sub-Registrar,
Uthukuli, Tiruppur District.



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R. SURESH KUMAR, J.

mp

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