



W.P.(MD)No.5716 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.03.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.5716 of 2023

and

W.M.P.(MD)No.5320 of 2023

Valarmathi

... Petitioner

vs.

The Sub Registrar,
Office Sub Registrar,
Surandai, Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call fro the records pertaining to the impugned Refusal slip in Refusal Number:RFL/Surandai/27/2022, dated 24.11.2022 issued by the respondent and to quash the same as illegal and arbitrary and consequently, to direct the respondent to register the settlement deed presented by the petitioner for registration without insisting for the production of the original parent document within a time fixed by this Court.



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For Petitioner :Mr.R.Pon Karthikeyan
For Respondent :Mr.M.Prakash
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the refusal check slip issued by the respondent/Sub Registrar, Surandai in Tenkasi District in No.RFL/Surandai/27/2022, dated 24.11.2022.

2.Heard Mr.R.Pon Karthikeyan, learned Counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondent.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the lands in S.No.285/9C1 measuring 7.06 cents, S.No. 285/9C2 measuring 2.57 cents and S.No.285/10 measuring 3.32 cents at Kaluneerkulam Village, Surandai, Tenkasi District belonged to the father of the petitioner herein, by name, Subramanian. He was allotted those lands by a registered partition deed registered as Doc.No.171/1993 in the

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office of the respondent itself. The father died on 15.08.2008. The legal heirs are the petitioner, her mother, Umayiyaparvathi, her brothers, Venmathiraj, Baskaran, Gandhiraj and sister Arulmathi.

4.It is claimed that there has been an oral partition among the legal heirs and thereafter, the petitioner had decided settle her share in favour of her younger brother, Baskaran. She had executed a settlement deed, dated 23.11.2022 in respect of her share. She enclosed patta and legal heirship certificate also.

5.The respondent had issued a refusal check slip stating that since the property had not been divided into metes and bounds, the settlement deed cannot be registered.

6.The learned Counsel for the petitioner stated that in the settlement deed presented for registration, one of the sisters, Arulmathi would be a witness. This would leave out the other brothers, Venmathi Raj and Gandhiraj and the mother.



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7.The respondent still to be satisfied, may issue notice to the brother Venmathi Raj and Gandhi Raj and examine whether they have any objection and if they have no objection, proceed to register the settlement deed, provided necessary stamp duty and registration charges have been paid.

8.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No

30.03.2023

cmr

To

The Sub Registrar,
Office Sub Registrar,
Surandai, Tenkasi District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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30.03.2023