



W.P(MD)No.14179 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14179 of 2023

Sankaranarayanan

... Petitioner

Vs.

1.The District Registrar,
Karaikudi.

2.The Sub Registrar,
Thiruvadanai,
Ramanathapuram District.

3.Subramaniam,
Son of Pichai,
Noon meal organizer,
Trichy Rameswaram main Road,
Sanaveli village,
RS Mangalam Taluk,
Ramanathapuram District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 2nd respondent dated 1.03.2023 in Na.Ka.No.46 of 2023 and quash the same and consequently direct the 2nd



W.P(MD)No.14179 of 2023

respondent to receive and register the documents presented for the lands in survey number 192/3 and 192/4B, Kumiliyendhal Village, Bagavathy Mangalam Group, RS Mangalam Taluk, Ramanathapuram District.

For Petitioner : M/s.V.R.Shanmuganathan
Advocate.

For R1 and R2 : Mr.M.Prakash
Additional Government Pleader

ORDER

The father of the petitioner P.Nagarajan had executed a settlement deed in favour of the petitioner, with respect to the lands in Survey No.192/3 and 192/4B which had devolved on to him, consequent to a partition deed dated 16.05.1998. The patta was also in the name of the father of the petitioner. The petitioner claims that the father had been in possession for nearly about two decades. The father had then, executed a settlement deed in favour of the petitioner herein, on 15.11.2022. He unfortunately died on 14.01.2023. When the settlement deed was presented for execution, the second respondent had passed the impugned order dated 01.03.2023 in Na.Ka.No.46/23 refusing to register the same.

2. Learned counsel for the petitioner raised a grievance that even without reference to the petitioner or obtaining details about the factum of death of the



W.P(MD)No.14179 of 2023

settlor, the document had been registered. It had also been contended that the title also stood in the name of the third respondent herein who is the maternal uncle of the petitioner. But it is averred in the affidavit that the partition effected. The petitioner should be granted an opportunity to explain all these aspects before the second respondent.

3. A cursory refusal, would not be to the advantage of the second respondent. The impugned order dated 01.03.2023 in Na.Ka.No.46/23 is set aside. Petitioner is directed to present the settlement deed for registration once again following due procedure and thereafter, produce also the documents relating to the death of his father and also the legal heirship certificate. The second respondent may grant an opportunity of hearing to the petitioner, then take a decision relating to the registration / non registration of the document. The second respondent is directed to take a decision within a period of two weeks from the date on which the petitioner presents the document for registration. Since the order impugned is set aside, writ petition stands allowed. No costs.

16.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

pnn



WEB COPY



W.P(MD)No.14179 of 2023

C.V.KARTHIKEYAN, J.

pnn

To

- 1.The District Registrar, Karaikudi.
- 2.The Sub Registrar, Thiruvadanai, Ramanathapuram District.

ORDER
IN
WP(MD) No.14179 of 2023

16.06.2023