

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2023**

CORAM:

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

W.P.(MD).No.18852 of 2022
and W.M.P(MD).No.13747 of 2022

A.Nagarathinam

... Petitioner

Vs.

1.The Sub-Registrar,
Office of the Sub-Registrar,
Sholavandan,
Madurai District.

2.M.Kalaiyarasi

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in his proceedings in NIL dated 01.07.2022 and to quash the same and consequently to direct the first respondent to register and release the settlement deed submitted by the petitioner for registration in Receipt No.2740/2022 in Document No.P/Sholavandan/23/2022 dated 01.07.2022 within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Jessi Jeeva Priya

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R1
Mr.T.Sivananthan for R2

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking records of an order passed by the first respondent, the Sub Registrar, Sholavandan, Madurai District, dated 01.07.2022 and quash the same and direct the first respondent to register and release the settlement deed submitted by the petitioner for registration in Receipt No.2740/2022 in Document No.P/Sholavandan/23/2022 dated 01.07.2022.

2. The petitioner herein, in his affidavit, had stated that he is one among the five sons of Aathiye Kone, who died on 08.09.1991. On 11.09.2001, one of the sons, namely Irullappan and his son Kannan had executed a release deed relinquishing their rights over the property. Thereafter, in the year 2000, the petitioner and other three brothers partitioned the property orally among themselves. The revenue records

were also mutated in their respective names. Patta No.306 for Survey No.49/1 has been mutated in the name of the father of the second respondent, namely, Meghavarnam to an extent of 0.73.0 hectare and another brother, namely, Ramaiah to the extent of 0.73.0 hectare. Similarly, patta No.401 had been mutated in the name of the petitioner to the extent of 0.48.50 hectare. The other brother, namely, Ramalingam, was allotted Survey No.49/4 measuring 0.45.50 hectare for which patta No.31 was issued and also Survey No.49/5A measuring 0.14.00 hectare. The petitioner had executed a settlement deed with respect to the property which had been allotted to him on 01.06.2022 and presented the same on 14.06.2022 before the first respondent. The process of registration was completed, but thereafter, the document was kept pending apparently on a complaint given by the second respondent, who is the daughter of another brother of the petitioner.

3. It is claimed by the learned counsel appearing for the second respondent that the second respondent had filed a suit and therefore, the settlement deed should not be registered.

4. But the learned counsel appearing for the petitioner pointed out that the schedule of the settlement deed is the land in patta No.401, Re-survey No.63/4 measuring 0.48.5 acre of hectares is equivalent to 1 acre and 20 cents. This was compared with the schedule in the plaint in O.S.No.92 of 2022, on the file of the District Munsif Court, Vadipattai, where the schedule of the property was given as New Survey No.49/1, old Survey No.51/1 measuring 1 acre and 81 cents. The boundaries are totally different.

5. In view of the same, since this property is not involved in the suit and moreover, it had been separately allotted to the petitioner herein and the father of the second respondent had been similarly allotted yet another property, I hold that the first respondent should proceed further with the registration process and complete the registration. A mandamus is issued to the first respondent to complete the registration process on or before **10.05.2023** and release the document to the petitioner herein.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

Index: Yes/No
Internet: Yes/No
ssb

To
The Sub-Registrar,
Office of the Sub-Registrar,
Sholavandan,
Madurai District.

W.P.(MD).No.18852 of 2022

C.V. KARTHIKEYAN, J.

ssb

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