



W.P(MD)No.19606 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19606 of 2023

S.Maragatham

... Petitioner

Vs.

The Sub – Registrar,
Office of Sub – Registrar,
Pudukottai,
Thoothukudi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal Check slip in RFL/Pudukottai/14/2023, Thoothukudi District dated 12.05.2023 and quash the same and consequently direct the respondent to register the document presented by the petitioner for registration without insisting for production of the original parent document within the time fixed by this Court.

For Petitioner : Mr.P.Santhosh Kumar

For Respondent : Mr.S.Shanmugavel,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner has settled the petition mentioned property in favour her husband. The settlement deed dated 04.05.2023 was presented for registration. The registration was refused on the ground that the petitioner had not obtained individual patta in her favour. Challenging the said stand taken by the respondent, the present writ petition came to be filed.

3.In normal circumstances, this Court would have sustained the stand of the respondent. But in this case, the petitioner had succeeded before the Civil Court. She filed O.S.No.115 of 2004 on the file of District Munsif Court, Srivaikundam against her uncle / Chelladurai and brother / Kirubakaran. The decree passed by the trial Court was challenged by first defendant in A.S.No.80 of 2010 on the file of Sub Court, Thoothukudi. The appeal was allowed against the petitioner herein. Challenging the same, the petitioner filed S.A.(MD)No.25 of 2019. On 04.03.2022, the decree passed by the first appellate Court was set aside and the decree of the trial Court was restored. Thereafter, the petitioner filed E.P.No.24 of 2022 on the file of the District



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Munsif Court, Srivaikundam. Possession was also taken. Final order passed in the E.P. is also entered in the encumbrance register. The schedule set out in the E.P. and the schedule set out in the gift deed are one and the same. In these circumstances, it is not necessary for the petitioner to obtain deletion of the names of other pattadars and thereafter present the document in question. The decree passed by the Civil Court will prevail over any revenue entry. I am satisfied that the petitioner is the absolute owner of the petition mentioned property and therefore, she is competent to settle the same in favour of her husband.

4.In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be registered and released subject to fulfilment of the usual formalities. The writ petition is allowed. No costs.

14.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

The Sub – Registrar,
Office of Sub – Registrar,
Pudukottai,
Thoothukudi District.

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