



W.P.(MD)No.20819 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20819 of 2023
and W.M.P.(MD)Nos.17229 and 17232 of 2023

A.Akkini

... Petitioner

versus

The Sub Registrar,
Y,Othakadai Sub Registrar Office,
Rajagambeeram,
Y.Othakadai,
Madurai – 625 107.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records, pertaining to the impugned proceedings in Na.Ka.No. 404/2022 dated 22.12.2022 passed by the respondent and quash the same and consequently, direct the respondent to register the gift settlement deed dated 22.11.2022 executed by the petitioner in favour of his sons, pertaining to the property bearing S.No.140/7 and UDR S.No.104/7 to an extent of 1 acre 97 cents situated at Arumbanur II bit Village, Madurai East Taluk, Madurai District.



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For Petitioner : Mr.A.Ramesh
For Respondent : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The case of the petitioner is that he is the owner of the property bearing S.No.140/7 and UDR S.No.104/7 to an extent of 1 acre 97 cents situated at Arumbanur II bit Village, Madurai East Taluk, Madurai District and in respect of the said property, he executed a settlement deed dated 22.11.2022 in favour of his two sons. When he presented the same, the respondent/the Sub Registrar, Rajagambeeram, Y.Othakadai, by his proceedings dated 22.12.2022, has refused to register the settlement deed dated 22.11.2022 on the ground that for the very same property, documents were already registered in the year 1973. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submits that the respondent has not provided any opportunity of hearing to the petitioner and has not considered the relevant material fact, before



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passing the impugned proceedings.

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3. As against the refusal of registration of document, the petitioner is having an appeal remedy before the District Registrar under Section 72 of the Registration Act, 1908.

4. Therefore, this writ petition is disposed of with liberty to the petitioner to file an appeal before the District Registrar, Madurai, within a period of two weeks weeks from the date of receipt of a copy of this Court. In the event any such appeal is filed by the petitioner, the District Registrar shall consider and dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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