



W.P(MD)No.21595 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21595 of 2023

P.K.Rajasekaran

... Petitioner

Vs

The Sub Registrar,
Vadipatti Sub Registrar Office,
Vadipatti,
Dindigul District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register Gift Deed, dated 11.08.2023 executed in the petitioner in favour of his son Mr.R.Prabhu Sankar.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondent : Mr.P.T.Thiraviam
Government Advocate

ORDER

The case of the petitioner is that the property in S.No. 133/5, Chinnamanaickenpatti Village, Vadipatti Taluk, Dindigul District is in possession and enjoyment of the petitioner. He has leased out the above property to M/s. Bharat Petroleum Corporation Ltd, Madurai, by way of a registered Lease Deed, dated 15.03.2007.



W.P(MD)No.21595 of 2023

At this juncture, the petitioner wants to gift the above property to his grand son, R.Prabhu Sankar and he has presented a Gift Deed before the Sub Registrar, Vadipatti on 11.08.2023 for registration and he has also paid the required registration fee. However, the respondent refused to register the document presented by the petitioner. Hence, the petitioner is before this Court.

2.Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondent by referring a circular issued by the Inspector General of Registration in 24011/C1/2020 dated 08.10.2020 submits that this property said to be gifted by way of a document, dated 11.08.2023 has already been leased out to M/s.Bharat Petroleum Corporation by way of a lease deed dated 15.03.2007. In the event, No Objection Certificate is mandated as per the Circular dated 08.10.2020, in order to ensure that there is no fraudulent transactions. Based on the above circular only, the respondent has suggested this petitioner to get No Objection Certificate from the lessee, who has already got a registered lease deed from the petitioner.



W.P(MD)No.21595 of 2023

3.After referring the circular issued by the respondent, the learned counsel appearing for the petitioner submits that he will obtain No Objection Certificate from the lessee and re-submit the application along with No Objection Certificate.

4.Recording the submission of the learned counsel for the petitioner, this writ petition is disposed of with a liberty to the petitioner to re-present the document along with No Objection Certificate from the existing lessee. On such re-presentation of the document along with No Objection Certificate, the same shall be registered by the respondent on the same day. No costs.

05.09.2023

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



W.P(MD)No.21595 of 2023

To

WEB COM

The Sub Registrar,
Vadipatti Sub Registrar Office,
Vadipatti,
Dindigul District



WEB COPY



W.P(MD)No.21595 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.21595 of 2023

05.09.2023