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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23978 of 2022

M.Raja ... Petitioner

Vs.

The Sub Registrar
Office of the Sub - Registrar,
Keelarajakularaman Taluk,
Vembakottai Taluk,
Virudhunagar 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 pertaining to the impugned refusal check slip in refusal No. RFL/Keelarajakularaman/88/2022 dated 10.08.2022 on the file the respondent herein and to quash the same as arbitrary and illegal and consequently direct the respondent herein to register the Settlement Deed dated 10.08.2022 presented by the petitioner herein.

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For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.N.Satheeskumar,
Additional Government Pleader

ORDER

Heard the learned counsel appearing on either side

2. The petitioner presented the petition mentioned settlement deed before the Registering Authority. The settlement deed is based on the earlier partition deed, under which, the petitioner has got the allotment. The Registrar declined to entertain the document on the ground that the petitioner's sister Sujatha has made an objection. In view of the same, the impugned refusal order came to be issued.

3. The said Sujatha has not been made as a party to the writ petition. Technically the writ petition suffers from non-joinder of necessary parties.

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4. However, the writ petition is disposed of in the following manner :-

a) the petitioner is permitted to re-present the document before the respondent;

b) The respondent shall issue notice to the said Sujatha. The respondent will make it clear that if within four weeks after receipt of the notice, the objector is not able to get restraint order from the Civil Court, registration will go on.

c) If the objector fails to obtain any restraint order from the jurisdictional civil Court, the document in question shall be registered and released subject to fulfilment of other usual formalities.

No costs.

01.03.2023

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

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To:

The Sub Registrar
Office of the Sub - Registrar,
Keelarajakularaman Taluk,
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G.R.SWAMINATHAN, J.

RM

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