



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.25399 of 2023

M.Jeyaraman

... Petitioner

v.

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Aathur, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Writ of Certiorarified Mandamus, call for the records pursuant to the impugned order of the 2nd respondent vide proceedings in check slip Refusal No.RFL/Aathur-Dindigul/95/2023 dated 20.06.2021 and quash the same as illegal and against the section and procedure under the registration act and direct the 2nd respondent to register the sale deed dated 20.06.2023 executed by the petitioner.



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For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.S.Ra.Ramachandran

Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner executed a settlement deed dated 07.06.2023 in favour of his sons, namely, Muthuraman, Balamurugan and Saravanakumar. The document was presented for registration. The second respondent declined to register the deed on the ground that parent document has not been produced. Challenging the same, this present writ petition has been filed.

3.The learned counsel for the petitioner points out that two items were purchased vide sale deed dated 25.04.1981 and 25.07.1981 in the name of the petitioner's brother Ponram. It was a joint family property. Though the title deeds stood in the name of Ponram, the revenue records stood in the name of the petitioner's father Muthaiahgounder and one Palpandi. There was a family arrangement among the members of the Hindu undivided family in the year 2011. The arrangement entered into among the members of the family was also recorded in writing. It is well settled that such a document



does not require registration. The property that is the subject matter of the settlement deed dated 07.06.2023 was allotted to the share of the petitioner as "E" schedule. Ponram is no more.

4.The learned counsel for the petitioner states that if an enquiry in this regard is conducted, all the parties concerned would appear before the authority to verify the genuineness of the family arrangement dated 07.03.2011. The learned Additional Government Pleader relies on the circular dated 02.02.2023 bearing No.22482/C1/2022 issued by the Inspector General of Registration, Chennai.

5.In this view of the matter, the first respondent shall hold an enquiry on 07.12.2023 at 04.00 P.M. It is for the petitioner to produce all the concerned parties before the first respondent. If the first respondent is satisfied that the family arrangement is genuine, he shall issue instructions to the second respondent accordingly. Based on the instruction to be issued by the first respondent, the second respondent will receive the document, register and release it subject to the fulfilment of the other usual formalities. The first respondent shall pass an order in this regard on or before 15.12.2023.



6.This writ petition is disposed of accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
skm

To

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul, Dindigul District.

2.The Sub Registrar,
Registrar Office,
Aathur, Dindigul District.



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G.R.SWAMINATHAN, J.

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