



W.P.(MD) No.12 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.12 of 2020

1.V.Kaliammal
2.V.Petchiammal
3.V.Mariammal

.. Petitioners

Vs.

The Sub Registrar,
The Office of the Sub Registrar,
Rajapalayam Town,
Viruthunagar District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 18.11.2019 for registering the settlement deed executed by the petitioners.

For Petitioners : Mr.M.Vijayarathinam

For Respondent : Mr.T.Amjadkhan
Government Advocate



W.P.(MD) No.12 of 2020

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ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to consider the representation dated 18.11.2019, which has been made to grant permission to register the settlement deed which the first petitioner proposed to grant it in favour of her son Azhaguraja.

2. Perusal of the record and the arguments of both the learned counsel for the petitioner and the learned Government Advocate would indicate that there was a civil dispute between the petitioners herein and others in O.S.No.944 of 2004, which was a suit filed for partition and the petitioners herein have been arrayed as defendants 2 to 4 therein. The plaintiffs in the said suit are the petitioners' paternal aunt and children of the petitioners' paternal aunts. The said suit, after contest, has been dismissed. By filing the partition suit, the plaintiffs had recognised that the petitioners and the other defendants have right to the suit property. It appears that there is no appeal filed against the said judgment. Now, the



W.P.(MD) No.12 of 2020

petitioners seek to execute the settlement deed in favour of Azhaguraja, son of the first petitioner herein and the same is not being proceeded with.

3. In the counter affidavit that has been filed by the respondent, the Sub Registrar would state that there is a joint patta in respect of the property in question and the property does not belong to the petitioners' father alone. By this statement, the respondent tacitly admits that the father of the petitioners viz., Veeraputhiram and his siblings are also joint patta holders. In these circumstances, there is no reason as to why the respondent should refuse to register the settlement deed presented for registration particularly when there is no restraint for the execution of the same.

4. In these circumstances, although this petition is for considering the representation, on hearing the parties and perusing the affidavit and counter affidavit, this Court directs the respondent to register the settlement deed presented by the petitioners within a period of four



W.P.(MD) No.12 of 2020

weeks from the date of receipt of a copy of this order. The settlee only gets the share that his settlor has in the property.

5. With the above direction, this Writ Petition is allowed. No costs.

06.03.2023

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

abr



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W.P.(MD) No.12 of 2020

To

The Sub Registrar,
The Office of the Sub Registrar,
Rajapalayam Town,
Viruthunagar District.



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W.P.(MD) No.12 of 2020

P.T.ASHA, J.

abr

W.P.(MD) No.12 of 2020

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