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W.P.(MD)NO.29358 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29358 of 2023

M.Perumal

... Petitioner

Vs.

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, to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order of the second respondent vide proceedings in refusal check slip No.RFL/Aathur-Dindigul/94/2023 dated 20.06.2023 and quash the same as illegal and against the section and procedure under the Registration Act and direct the second respondent to register the sale deed dated 07.06.2023 executed by the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents: Mr.K.Balasubramani,
Special Government Pleader.

* * *

**ORDER**

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Heard both sides.

2. The writ petitioner presented the petition-mentioned document for registration. On the ground that the parent deed is an unregistered family arrangement, the document was returned. The petitioner was called upon to re-submit the petition-mentioned document after registering the parent deed.

3. The refusal check slip was issued to that effect. Challenging the same, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned counsel appearing for the petitioner drew my attention to the order dated 06.11.2023 made in W.P.(MD) No.25399 of 2023. The said order reads as follows:-

“ 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



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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."

5. The petitioner's counsel points out that the petitioner is also one of the parties to the deed of family arrangement referred to in the order dated 06.11.2023 passed by this Court. I am inclined to adopt the very same approach in the present case also. Enquiry on the same lines will be conducted by the first respondent. In fact the learned Special Government Pleader submitted that the enquiry into Jeyaraman's case is still pending. The case of the petitioner also can be taken up along with Jeyaraman's case and also common order also can be passed. Based on the instructions to be issued by the first respondent, the second respondent will receive the document, register it and release the same subject to fulfilment of the other usual formalities. The first respondent should pass final order on 15.12.2023. The writ petitioner is directed to appear before the first respondent on 15.12.2023 at 3.00 p.m. After hearing the petitioner,



composite and common order shall be passed covering the case of Jeyaraman, writ petitioner and two others within a period of two weeks thereafter. This writ petition stands disposed of accordingly. No costs.

12.12.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

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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7

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G.R.SWAMINATHAN,J.

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W.P.(MD)No.29358 of 2023

12.12.2023