



W.P(MD)No.30167 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30167 of 2023

V.Jayalakshmi

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai.

2.The District Registrar (Administration),
Palayamkottai,
Tirunelveli District.

3.The Sub Registrar,
Sub Registrar Office,
Kovilpatti,
Virudhunagar District.

4.Prema

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records pertaining to the impugned refusal check slip passed by the 3rd respondent in RFI/Kovilpatti/96/2023 dated 30.11.2023 and quash the same as illegal and consequently direct the respondent no.3 to register the gift deed presented by the petitioner on 29.11.2023 within time stipulated by this Court.



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For Petitioner : Mr.K.Govindarajan
for Mr.K.Dinesh

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 to R3. Issuance of notice to R4 is dispensed with.

2. The petitioner is none other than the mother-in-law of the fourth respondent. The petitioner's son Kesavan passed away. It is stated that Kesavan had borrowed money from his sister's husband namely Sagadevan. In order to ensure that there is no strain in their relationship, the petitioner wants to settle her undivided $\frac{1}{2}$ share in the property in favour of his daughter namely Janaki. The original document in respect of the property is in the custody of the fourth respondent. The fourth respondent is declining to part with the same. When the petitioner presented the settlement deed for registration before the third respondent, registration was refused on the ground that the original parent deed was not produced. To this effect, the refusal check slip was also issued. Challenging the same, the writ petition came to be filed.



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3. The issue is no longer *res integra*. A learned Judge of this Court had held that if the title document is in the custody of one co-owner and he or she is declining to part with the same, that cannot lead to refusal of the registration of the document presented by the other co-owner in respect of his or her share. IG of Registration has also issued circular dated 02.02.2023 in this regard. The petitioner is permitted to submit a formal representation before the second respondent. The second respondent will issue notice to the fourth respondent. The scope of the enquiry by the second respondent is rather limited. All that the second respondent has to see is whether the petitioner is conveying only her undivided half share in the property. He may also call upon the fourth respondent to make the statement if the original document is with her. If that be so, the second respondent will issue appropriate instructions to the third respondent in registering the document that may be re-presented. This exercise shall be completed by the second respondent within a period of six weeks from the date of submission of the representation by the petitioner herein. Based on the instructions to be given by the second respondent, the third respondent will receive the settlement deed, register it and release it subject to fulfillment of other usual formalities.



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4. The Writ Petition is allowed on these terms. No costs.

19.12.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 22.12.2023.

To

- 1.The Inspector General of Registration,
Registration Department,
Santhome, Chennai.
- 2.The District Registrar (Administration),
Palayamkottai,
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