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W.P.No.3029 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18..04..2024
Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.3029 of 2023

Ramamurthi

..... Petitioner

-Versus-

The Sub Registrar,
O/o.The Sub Registrar,
Paramathi, Namakkal.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/Paramathi/102/2022 dated 29.12.2022 issued by the respondent herein and quash the same and further directing the respondent to register the said settlement deed dated 29.12.2022 which was presented on 29.12.2022.

For Petitioner : Mr.I.Abrar Md. Abdullah

For Respondent : Mr.B.Vijay, AGP

ORDER

This writ petition challenges the refusal check slip in RFL/Paramathi/102/2022 dated 29.12.2022 issued by the respondent and seeks for a consequential direction to the respondent to register the settlement deed



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dated 29.12.2022 presented by the petitioner on 29.12.2022.

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2. It is the case of the petitioner that he along with his father-Singaravelan and daughter- Vasavi executed a settlement deed in favour of his son-Boobalan in respect of property comprised in S.No.190/1G, 190/1I, 190/1K, 190/1R, 190/1T, 190/1U, 190/1X, 190/1Y, 230/1, 190/1C, 190/1D, 190/1V, 190/104 situated in Villipalayam village. When the document was presented for registration, the same was refused to be registered by the respondent on the grounds that (i) the identity of the property covered under the document has not been given to show the exact boundaries of the property and (ii) original documents relating to title of the settlors over the subject property has not been produced.

3. Heard both sides.

4. At the outset, this court is of the view that the refusal check slip impugned in the writ petition cannot be sustained in the eye of law. When the survey numbers have been clearly mentioned in the document, there is sufficient identity of the property. As far as the previous document is concerned, the properties are ancestral properties and joint patta also stands in the name of the 1st petitioner. In such view of the matter, let the petitioner produce a copy of this order before the respondent and in such event, the respondent shall register the



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settlement deed within a period of one month thereafter.

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In the result, the writ petition is allowed and the impugned refusal check slip issued by the respondent is set aside. The respondent is directed to register the settlement deed dated 29.12.2022 which he originally refused to register within a period of one month from the date of receipt of a copy of this order in the event the petitioner produces a copy of this order. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The Sub Registrar, O/o.The Sub Registrar, Paramathi, Namakkal.



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N.SATHISH KUMAR.J.,

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