



WEB COPY



WP.No.9438 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9438 of 2024

Sankar

.. Petitioner

Versus

1.The District Registrar
Tiruvarur Registration District
Thiruvarur

2.The Sub Registrar
Sub-Registrar Office
Peralam, Thiruvarur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of second respondent in refusal slip No.RFL/Peralam/16/2024 dated 23.02.2024 and quash the same and consequently direct the second respondent to register the settlement deed executed by the petitioner in favour of his wife namely Mrs.Kalaiyarasi.

For Petitioners : Mr.S.Angamuthu
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenge has been made to the refusal check-slip issued by the second respondent in registering the settlement deed dated 23.02.2024.



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2. Heard both sides and perused the materials placed on record.

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3. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

4. It is the case of the writ petitioner that he presented a settlement deed executed by him in favour of his wife for registration, the same was refused to be registered on the ground that the patta does not stand in the name of the petitioner. It is the specific case of the writ petitioner that the patta stands in the name of his father. The father has executed a will in favour of the writ petitioner.

5. Such view of the matter, merely, the mutation of revenue record has not taken place in the name of the petitioner, the same cannot be a ground to reject the registration of the settlement deed.

6. Once the executor/father's name is very much found in the revenue records, patta also stands in the name of the original owner and he has dealt the property by bequeathing the same by way of a will in favour of his son/writ petitioner, insisting production of patta in the name of the legatee does not arise



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at all.

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7. Accordingly, the impugned order is set aside and the second respondent is directed to register the settlement deed dated 23.02.2024 within a period of 15 days from the date of receipt of a copy of this Order.

8. In view of the above, this writ petition stands allowed. No costs.

08.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The District Registrar
Tiruvarur Registration District
Thiruvarur

2.The Sub Registrar
Sub-Registrar Office
Peralam, Thiruvarur District



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N. SATHISH KUMAR, J.

dhk

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