



WEB COPY



WP.No.9452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9452 of 2024

Kumar

.. Petitioner

Versus

1.The District Registrar
Coimbatore
Coimbatore District

2.The Sub Registrar
Sulur
Coimbatore 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 order dated 07.12.2023 bearing refusal number:RFL/Sulur/66/2023 on the file of 2nd respondent, quash the same and consequently direct the 2nd respondent to register and release the settlement deed dated 02.12.2023 to the petitioner.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.R.Ramanlaal
Additional Advocate General
assisted by
Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

This writ petition is filed challenging the refusal slip in Refusal Number:RFL/Sulur/66/2023 dated 07.12.2023 issued by the 2nd respondent, quash the same and consequently direct the 2nd respondent to register and release the settlement deed dated 02.12.2023 to the petitioner.

2. It is the grievance of the writ petitioner that the settlement deed dated 02.12.2023 when presented, the same was refused to be registered by way of the impugned order on the ground that original document is not submitted, therefore the document cannot be registered. Challenging the rejection, this writ petition is filed.

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

4. Considering the fact that the petitioner is satisfied and given proper explanations for non production and also lodged a complaint in this regard, the registering authorities ought not to have rejected the document. It cannot be said that document is forged one. The son has executed a settlement deed in favour of her mother. Admittedly, the certified copy is also available with the respondent. Therefore, merely citing a Rule which is contrary to the substantive provisions of law, refusal cannot be done.



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5. Such view of the matter, the impugned refusal slip in Refusal Number:RFL/Sulur/66/2023 dated 07.12.2023 issued by the 2nd respondent is set aside and there shall be a direction to the second respondent to register the document presented by the petitioner dated 02.12.2023 within a period of 15 days from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands allowed. No costs.

05.04.2024

dhk

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1.The District Registrar
Coimbatore
Coimbatore District

2.The Sub Registrar
Sulur
Coimbatore District

N. SATHISH KUMAR, J.



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