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W.P. No.16841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16841 of 2023

S.Lakshmiy

... Petitioner

Vs

1.Sub Registrar - Panruti
Registration Department
Kumbakonam Road
Near Police Station,
Panruti - 607 106

2.Inspector General of Registration
Registration Department
100, Santhome High Road, Mullima Nagar
Mandavelipakkam,
Raja Annamalaipuram
Chennai, Tamil Nadu 600 028

3.G.V.Babu @ Sudarshan

(R3 impleaded vide order 26.09.2023
in WMP No.27639 in W.P. No.16841/2023
by SMSJ)

... Respondents



W.P. No.16841 of 2023

Prayer: Writ 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 order dated 06.04.2023 (but the Sub Registrar has wrongly stated the order dated 16.04.2023) passed by the first respondent Sub Registrar refusing to register the pending document No.14 of 2023 on the file of SRO, Panruti by quashing the same and also direct the first respondent to register the document and return the document to the petitioner after completing all registration formalities.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.L.S.M.Hasan Fizal
Addl. Govt. Pleader for R1 & R2

ORDER

Challenge has been made to the impugned order of the first respondent in refusing to register the settlement deed presented by the petitioner on the ground that the survey number does not tally and that there is a joint patta and the parties are directed to get a fresh patta.



W.P. No.16841 of 2023

WEB COPY

2. It is the contention of the petitioner that her father has acquired the property in a partition deed dated 16.03.1969. After the death of petitioner's father, the petitioner presented a document for settlement in favour of her eldest sister but the same was refused to register on the ground that the patta is in the joint names and the boundaries are not tallying.

3. The respondents have not chosen to file any counter affidavit has not been filed. Heard both sides and perused the materials available on record.

4. Upon perusal, this court finds that the very order has been passed by the first respondent as if the Sub Registrar is sitting as a civil Judge. When the petitioner has shown their title from the year 1969 and the manner in which they derived title and they have been the legal heirs of her father and presented the settlement deed in favour of one of the siblings, it is not for the authorities to decide the title. This issue has already been held in ***Subrmani vs. The Sub Registrar, Rasipuram in W.P. No.11056 of 2024 dated 26.04.2024.***



W.P. No.16841 of 2023

WEB COPY

5. In such view of the matter, the impugned order dated 06.04.2023 passed by the first respondent, namely the Sub Registrar, Panruti, stands quashed. The first respondent is directed to register the pending document No.14 of 2023, within a period of 10 days from the date of receipt of a copy of this order.

6. The writ petition is allowed on the above lines. No costs.

14.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.Sub Registrar - Panruti
Registration Department
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W.P. No.16841 of 2023

3. The Government Pleader
High Court, Madras



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W.P. No.16841 of 2023

N.SATHISH KUMAR, J.

Asr

W.P.No.16841 of 2023

14.06.2024