



WP.No.16383 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16383 of 2022

R.Gunasekaran

.. Petitioner

Versus

The Sub Registrar
Sub-Registrar's Office
Madurantagam

.. Respondent

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 respondent in refusal slip No.RFL/Madurantagam/2/2022 dated 14.06.2022 and quash the same and consequently direct the respondent to register and return the settlement deed dated 14.06.2022 executed by the petitioner in favour of his wife Tmt.Jayanthi.

For Petitioners : Mrs.A.L.Ganthimathi, Senior Counsel
for Mr.AR.Karthik Lakshmanan
For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

Challenge has been made to the refusal check-slip issued by the respondent in registering the settlement deed dated 14.06.2022.

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.

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 Ragupathi Reddiar, after his death, his wife and daughter became the absolute owner, who had executed an unregistered will dated 29.11.2016. Subsequent to the death of testatrix, the petitioner is in peaceful possession and enjoyment. Hence, the petitioner executed a settlement deed in favor of his wife dated 14.06.2022, which was rejected. Hence, this writ petition.

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's predecessor name is very much found in the revenue records, patta also stands in the name of the original owner and they have dealt the property by bequeathing the same by way of a will in favour of



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the writ petitioner, insisting production of patta in the name of the legatee does not arise at all.

7. Accordingly, the impugned order is set aside and the respondent is directed to register the settlement deed dated 14.06.2022 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.

26.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar
Sub-Registrar's Office
Madurantagam



WEB COPY



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N. SATHISH KUMAR, J.

dhk

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