



WEB COPY

W.P.No.16879 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.16879 of 2024
and WMP.No.18562 of 2024

R. Selvakumar

...Petitioner

versus

1. The District Registrar
The District Registrar Office,
Tiruppur District.

2. The Sub Registrar,
Avinashi
Tiruppur District.
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus directing the 2nd respondent to call for the records pertaining to the impugned pending check slip dated 03.05.2024 bearing No.P/Avinashi/32/2024 issued by the 2nd respondent and quash the same and consequently direct the respondents to release the petitioner's registered settlement deed dated 03.05.2024.

For Petitioner : Mr.Meiyappan Mohan

For Respondents : Mr.B.Vijay
Additional Government Pleader



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ORDER

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus directing the 2nd respondent to call for the records pertaining to the impugned pending check slip dated 03.05.2024 bearing No.P/Avinashi/32/2024 issued by the 2nd respondent and quash the same and consequently direct the respondents to release the petitioner's registered settlement deed dated 03.05.2024.

2. The case of the writ petitioner is that his father late Ramasamy Gounder settled the property in his favour vide settlement deed dated 06.09.2006 in Doc.No.8105/2006 and thus the petitioner has become the absolute owner of the said land. The said settlement deed was noted in the patta passbook and now revenue records stand in the petitioner's name. Out of love and affection, the petitioner executed a settlement deed in favour of his son S.Pasupathy on 14.03.2024 and on 15.03.2024 when the petitioner presented the same to the 2nd respondent, the 2nd respondent refused to register the same by issuing Refusal Check Slip No.RFL/Avinashi/22/2024



dated 15.03.2024 and returned the document citing that the patta is not in petitioner's name. Therefore, the petitioner was informed to produce the original settlement deed in Doc.No.8195/2006. This Court in W.P.No.9223 of 2024 vide order dated 04.04.2024 had quashed the refusal check slip issued by the second respondent and directed the second respondent to register the settlement deed dated 14.03.2024 without insisting parent document. In pursuant to the direction of this Court after registering the document, the document has not been released without any reason.

3. As rightly pointed out by the learned counsel appearing for the petitioner, earlier documents was not registered on the ground that original parent document and original patta book was not produced. This Court in W.P.No.9223 of 2024 vide order dated 04.04.2024 quashed the refusal check slip and directed the authorities to register the settlement deed dated 14.03.2024 without insisting parent document. Now it appears that despite such order after registering the document, document has not been released.

4. Mr.B.Vijay, learned Additional Government Pleader submitted that the documents will be released without any further delay.



5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. Only on considering the submissions made by the learned Additional Government Pleader appearing for the respondents, this Court is restraining itself from taking any action against the Sub Registrar, Avinashi, Tiruppur District, otherwise the Court would have proceeded against the Sub Registrar for issuance of contempt. In such view of the matter, the documents shall be released within a period of two days from today.

6. With the above observation and direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

08.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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N. SATHISH KUMAR, J.

dpq

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