



WEB COPY



W.P. No.19494 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19494 of 2024

D.Gowsalya

... Petitioner

Vs

The Joint Sub Registrar No.1
Office of the Sub Registrar Office
Tindivanam
Villupuram District - 60401

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 04.06.2024 made in Refusal Number:RFL/Joint-I Sub Registrar Tindivanam/06/2024, quash the same and consequently direct the respondent to register the release deed dated 04.06.2024 presented by the petitioner.

For Petitioner : Mr.P.Vijayakumar

For Respondent : Mr.M.Shajahan,
Spl. Govt. Pleader



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ORDER

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Challenge has been made to the impugned proceedings of the respondent dated 04.06.2024 made in Refusal Number:RFL/Joint-I Sub Registrar Tindivanam/06/2024, quash the same and consequently for a direction to the respondent to register the release deed dated 04.06.2024 presented by the petitioner.

2. It is the case of the writ petitioner that when she presented a Release Deed releasing her share in favour of her brother, the same was rejected on the ground that patta has not been produced and the extent is also not tally.

3. The very impugned order indicates that the property is originally purchased by Sarathambal, the mother of the petitioner. Therefore, when the legal heirs are executing the document, still insisting the original patta by the registering authority cannot be sustained in the eye of law. In ***Subramani vs. The Sub Registrar, Rasipuram and others in W.P. No.11056 of 2024 Dated 26.04.2024***, this court has issued certain directions. In pursuant to the direction, the Inspector General of Registration, has issued a Circular in



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No.22482/C1/2022 dated 12.07.2024 to the Registering Authorities. In such view of the matter, the Refusal order of the respondent is liable to be quashed.

4. Accordingly, this writ petition is allowed. The impugned order of the respondent dated 04.06.2024 made in Refusal Number:RFL/Joint-I Sub Registrar Tindivanam/06/2024, is quashed. There shall be a direction to the respondent to register the release deed presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

16.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

1.The Joint Sub Registrar No.1
Office of the Sub Registrar Office
Tindivanam
Villupuram District - 60401

2.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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