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WP.No.19341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19341 of 2024

S.Lakshmi

.. Petitioner

Versus

1. The Sub Registrar,
Pallavaram Sub Registrar Office,
Pallavaram, Chennai – 600 043.

2. The Special Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai – 600 043.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent pertaining to the refusal check slip in Refusal number RFL/Pallavaram/Book/2/5 dated 19.05.2023 and quash the same as illegal and unsustainable and further direct the first respondent to admit and register the settlement deed dated 19.05.2023 executed by the petitioner in favour of her husband Mr.Selvam and accept the settlement Deed dated 19.05.2023 pertaining to the petition property situated at Chengalpattu District, Keelkattalai Village, Thenmozhi Nagar 2nd Street, Pallavaram Municipality Limit, Old Door No.11 new Door No.1 comprised in survey



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No. 307, RPD/BA No.1366/14-15 Ward No-H Block No.7 Town Survey No.103/2 measuring an extent of 1600 sq.ft. without insisting upon the authenticity of the patta.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.M.Shajahan
Special Government Pleader – R1

Mr.P.Ganesan,
Additional Government Pleader – R2

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned refusal check slip in Refusal number RFL/Pallavaram/Book/2/5 dated 19.05.2023 as illegal and unsustainable and further direct the first respondent to admit and register the settlement deed dated 19.05.2023 executed by the petitioner in favour of her husband Mr.Selvam and accept the settlement Deed dated 19.05.2023 without insisting upon the authenticity of the patta.



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3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned Additional Government pleader appearing for the second respondent and perused the materials available on record.

4. The case of the petitioner is that she is the absolute owner of the subject property and the Revenue Department inspected the premises and Zonal Deputy Tahsildar, Alandur issued Town Survey Field Register Extract in favour of the petitioner. It is the further case of the petitioner that on 19.05.2023, she executed a settlement deed in favour of her husband with regard to the above property and when the same was presented for registration, the first respondent refused to register the same on the ground that the details of genuineness of the patta cannot be ascertained. Challenging the same, the present Writ Petition has been filed.

5. The contention of the learned counsel for the petitioner is that the petitioner is in occupation and possession of the property and Revenue Department had inspected the premises and issued Town Survey Field



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Register Extract on 28.10.2014. While so, the first respondent without verifying the records has passed the impugned, which has to be quashed.

6. A perusal of records reveals that the petitioner has purchased the subject property and she has been given Town Survey Field Register Extract on 28.10.2014 and now when she presented the settlement deed, the same was refused to be registered questioning genuineness of the patta issued in favour of the petitioner. This aspect has been elaborately dealt by this Court in *Subramani Vs. 1.The Sub-Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai [W.P.No.11056 of 2024, dated 26.04.2024]* wherein it has been held as follows :

“Now, this Court has to point out settled position of law in various aspects. With regard to the refusal slips issued on the ground of

a. failure to produce chitta, adangal, FMB sketch, patta is concerned, this Court in the case of *The Trust for Education and Rehabilitation of Disabled Orphans and Destitutes represented by its Managing Trustee v. The*



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Inspector General of Registration, Chennai reported in 2002

(1) MLJ 244 has held that Sub-Registrar cannot refuse registration on the ground that the document is not accompanied by a Chitta, Adangal or FMB sketch etc. Similarly, in the case of *Jesupalam vs Registrar* reported in 2015 SCC Online Mad 7660, it was held that the Sub-Registrar cannot refuse registration on the ground that the document is not accompanied by a Chitta, Adangal or FMB sketch etc. Therefore, when the Constitutional Courts interpreted the provisions of the Registration Act and laid a law, wherein, the Inspector General of Registration is also a party, issuing the circular contrary to the above judgment to produce patta, chitta, adangal cannot be sustained in the eye of law.”

In such view of the matter, the registering authorities questioning the genuineness of the patta already issued to the petitioner and refusing to register the settlement deed presented by the petitioner, cannot be sustained in the eye of law.



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7. Accordingly, this Writ Petition is allowed and the impugned refusal slip of the first respondent 19.05.2023 stands quashed and the first respondent is directed to register the settlement deed dated 19.05.2023 presented by the petitioner within a period of fifteen days from the date of receipt of a copy of this Order. No costs.

18.07.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The Sub Registrar,
Pallavaram Sub Registrar Office,
Pallavaram, Chennai – 600 043.
2. The Special Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai – 600 043.



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N. SATHISH KUMAR, J.

VRC

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