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W.P.No.22421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22421 of 2024

R.Rajamani

... Petitioner

vs.

The Sub-Registrar,
Marandalli,
Palacode Taluk,
Dharmapuri District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent vide Refusal check slip No. RFL/Marandaalli /39/2024 dated 10.5.2024 and quash the same as illegal and arbitrary and further direct the respondent to register the document produced by the petitioner pertaining to old Grama Natham S.No.87/1 New S.R.No.266/4 to an extent of 3150 sq.ft situated at Marandalli, Palacode Taluk, Dharmapuri District, without insisting the production of original parent document.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.M.Shahjahan,
Special Government Pleader



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ORDER

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2. According to the petitioner, the property covered by the settlement deed was originally belonged to one Subramanian and his wife Kamala. The petitioner entered into a sale agreement for purchase of the said property with the above said Subramanian and another on 23.01.1995. Since the vendors of the petitioner failed to perform their part of the contract, the petitioner filed a suit in O.S.No.358 of 1998 on the file of the District Munsif Court, Palacode, seeking specific performance of the sale agreement and the suit was decreed on 24.06.2022.

3. Thereafter, the petitioner filed an Execution Petition in E.P.No.16 of 2006 for execution of the decree for the specific performance. Since the vendors of the petitioners viz., Subramanian and Kamala failed to execute the sale deed, the sale deed was executed by the Court in favour of the petitioner and registered as Document No.2507 of 2011 on 30.11.2011, on



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the file of the Sub-Registrar Office, Marandalli.

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4. Now, the petitioner wants to settle the property in favour of his son viz., Vijayakumar and executed the settlement deed dated 10.05.2024 and presented the same for registration. The said document was refused for registration by the respondent on the ground that the petitioner failed to produce the parent document and also not incorporated the subdivision number in the description of the property.

5. The learned counsel for the petitioner submits that he produced the title document viz., the sale deed with Registration No.2507 of 2011 dated 30.11.2011 before the Sub Registrar, for verification and he could not produce the parent document of his vendors, as they failed to appear before the Court and execute the sale deed. When he produced the sale deed in his favour dated 30.11.2011, which was executed by a civil Court in pursuance of a decree for specific performance in favour of the petitioner, the respondent ought not to have insisted the petitioner to produce the parent document, which are in the custody of his vendors, who suffered the decree.

6. A perusal of the sale deed dated 30.11.2011 executed by the



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petitioner in his favour would suggest the petitioner purchased the property with an extent of 3150 sq.ft in S.No.87/1 and Marandalli Village, Palacode Taluk, Dharmapuri District. His property was described by four boundaries and North-South measurement and East-West Measurement and therefore, the property was properly described for identification in the title document of the petitioner. Merely because the subdivision number has not been assigned to the property conveyed to the petitioner under the sale deed dated 30.11.2011, the respondent is not entitled to refuse registration, when the property is identified by four boundaries and linear measurements.

7. Therefore, the impugned order is set aside and the petitioner is directed to represent the papers along with the original title document viz., Sale Deed bearing Document No.2507 of 2011 dated 30.11.2011 registered on the file of the Sub Registrar's Office, Marandalli. On such representation, the respondent is directed to register the settlement deed dated 10.05.2024 presented by the petitioner for registration.

8. Accordingly, the Writ Petition stands allowed. No Costs.



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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No
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To

The Sub-Registrar,
Marandalli,
Palacode Taluk,
Dharmapuri District.



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S.SOUNTHAR, J.

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