



W.P.No.28326 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28326 of 2021

J.S.Anthonysamy

... Petitioner

versus

1.The State of Tamil Nadu,
Rep.by the Sub-Registrar,
Office of the Sub-Registrar,
Padappai.

2.A.Irudhayamary

.....Respondents

[R2 impleaded as per order of this Court dated
20.04.2023 in W.M.P.No.3521 of 2022 in W.P.No.28326 of 2021]

Writ Petition filed under Article 226 of Constitution of India, praying
to issue a Writ of Certiorarified Mandamus calling for the records relating to
the impugned refusal slip in N.DIS.X/2021 dated 22.09.2021 on the file of
the Sub-Registrar, Padappai, the first respondent herein and quash the same
as illegal and consequently direct the first respondent to register the
document produced by the petitioner for registration without insisting for the
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production of original parent documents within the time that may be stipulated by this Court.

For Petitioner : Mr.K.Narayanan
For Respondents : Mr.B.Vijay
Additional Government Pleader for R1
No appearance for R2

ORDER

This writ petition has been filed to quash the impugned refusal slip in N.DIS.X/2021, dated 22.09.2021, on the file of the Sub-Registrar, Padappai, the first respondent herein and for consequential relief.

2. The case of the petitioner is that his father originally owned the subject properties and after his demise, his son, the petitioner herein, inherited the subject properties. Ever since the petitioner had been in absolute possession and enjoyment of the aforesaid properties. While so, the petitioner executed a settlement deed in favour of his wife/second



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respondent herein and his son Trumanraj. After the said settlement, a matrimonial dispute arose between the petitioner and his wife, which forced him to leave the subject properties. While that being so, the said Trumanraj died, leaving behind the petitioner and the second respondent, as his legal heirs. Hence, the petitioner became entitled to half of his son's undivided share of the subject properties. While so, the petitioner decided to settle the said undivided share in favour of his son A.Prasanna and approached the first respondent for registering the settlement deed on 22.09.2021. However, the first respondent refused to register the same for want of original title deeds.

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



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4. Despite service of notice, the second respondent has not chosen to enter appearance either through a counsel or in person.

5. On a perusal of the records, it is seen that though the petitioner has failed to produce the original documents for registration, the first respondent returned the same, vide impugned refusal slip dated 22.09.2021. The learned counsel for the petitioner himself admitted that the petitioner has not produced the original documents, as the original parent documents are with the petitioner's wife. There is a matrimonial dispute between the petitioner and his wife, and that she is not willing to give the original parent documents to the petitioner for registration of the settlement deed.

5. It is to be noted that the impugned refusal check slip only a Returned order, as it is for the petitioner to re-present the document for registration after complying with the defects raised by the first respondent.



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On receipt of the same, the first respondent is directed to consider the application/representation of the petitioner and pass appropriate orders on merits and in accordance with law.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

06.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

The Sub-Registrar,

The State of Tamil Nadu,

Office of the Sub-Registrar,

Padappai.

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