



WEB COPY



W.P.No.27656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.27656 of 2024
and
WMP.No.30177 of 2024

P.Chandrasekaran

...Petitioner

Vs.

1.The Inspector General of Registration
No.100, Santhome High Road
Santhome
Chennai 600 028.

2.The Sub Registrar
Office of the Sub Registrar
Thottipalayam
Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Manamus, calling for the entire records relating to the impugned order on the file of the second respondent vide Refusal Check Slip in Refusal Number :RFL/Thottipalayam/65/2024 dated 28.08.2024 and to quash the same and consequently direct second respondent



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to receive and entertain, register gift settlement deed dated 28.08.2024 presented by the petitioner.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.T.Chezhiyan for R1 & R2
Additional Government Pleader

ORDER

Aggrieved by the impugned refusal check slip issued by the respondents on the ground that the adjacent property was sold to the third parties as house sites, the petitioner has come by way of this Writ Petition.

2. It is the case of the petitioner that he along with his son Yeswanth, brother Subramaniam and one Jagadeeswaran purchased the subject land under a sale deed dated 01.07.2021. Thereafter, the petitioner's son Yeswanth executed a settlement deed in respect of his 1/4th share in favour of the petitioner on 09.08.2024. Thus, the petitioner has got 1/2 share in the subject property and he executed a settlement deed in favour of his brother Subramaniam in respect of his 2/4 share on 28.08.2024 and presented the same for registration. The same was refused by the respondent on the ground that some other portion of the land in the said survey number was already shown as



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house sites.

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3. A perusal of the settlement deed presented for the registration would establish that the subject property is described as *Boomi* (land), but the petitioner described the property as agricultural property in his affidavit.

4. The learned counsel for the petitioner submitted that the petitioner is ready to rectify the mistake in the description and represent the document describing subject matter as agricultural property, the said statement is recorded.

5. If the petitioner represent the document by giving correct description of the property as agricultural property, there may not be any impediment for the respondent to register the same. Therefore, the petitioner is given liberty to represent the document by giving correct description of the property as agricultural property. In such case, the respondent shall consider the same within a period of two weeks thereafter, if it is otherwise in order.

6. With the above observation, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

- 1.The Inspector General of Registration
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- 2.The Sub Registrar
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S.SOUNTHAR, J.
dna

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