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W..P.No. 32893 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 11.11.2024**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 32893 of 2024**

R.Perumal

... Petitioner

**V.s**

The Sub Registrar,  
Joint-I, Cuddalore,  
Cuddalore Taluk,  
Cuddalore District

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus call for records and quash the refusal slip dated 09.10.2024 issued by the respondent in RFL/ Joint-I Sub-Registrar Cuddalore/ 67/ 2024 and consequently direct the respondent to register the gift deed dated 23.09.2024 executed by the petitioner in favour of The President of Sellancheri Panchayat, Sellancheri, Cuddalore Taluk, Cuddalore District, on behalf of his Excellency the Honourable Governor of Government of Tamil Nadu.



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For Petitioner : Mr.E.Ashok Kumar  
For Respondent : Mr.B.Vijay  
Additional Government Pleader

### **ORDER**

Aggrieved by the refusal to register the Gift Deed dated 23.09.2024 executed by the petitioner in favour of The President of Sellancheri Panchayat, Sellancheri, Cuddalore Taluk, Cuddalore District of behalf of the Governor, the petitioner is before this Court.

2. The contention of the petitioner is that he had formed a layout in the name of “Sri Muthu Mariamman Nagar” . The properties come under the Panchayat and the petitioner had sold some plots. However, later, the respondent refused to register the plots, alleging that the petitioner had not obtained necessary approval. Thereafter, the petitioner had obtained approval from the Assistant Director of Town and Country Planning in Na.Ka.No.131/2021/Ka.Ma. As per the terms of the approval, the petitioner was directed to handover the roads to the Panchayat. Consequently, he had



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executed a Settlement Deed dated 15.04.2024 in favour of the Assistant Director of Town and Country Planning. When the Gift Deed was presented for registration, the respondent failed to even receive the same. Finally, the document was received on 01.07.2024 and on 02.07.2024, the respondent had issued a refusal check slip, refusing to register the document on the ground that C.R.P.No.252 / 2023 is pending. The petitioner had filed W.P.No.27157 of 2024 wherein the respondent represented that the gift deed had to be executed in favour of the Panchayat and not in favour of the the Town Planning Authority, pursuant to which the petitioner had executed a Gift Deed dated 23.09.2024 in favour of the President of Sellancheri Panchayat. The registration of the said gift deed was refused vide refusal slip dated 09.10.2024. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. From the perusal of the documents, it is seen that the Tamil Nadu Wakf Board had filed O.S.No.94 of 2012 on the file of the Principal Subordinate Court, Cuddalore against the petitioner, the



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respondent and others. This suit was dismissed by the judgement and decree dated 30.01.2018. Thereafter, it appears that the Tamil Nadu Wakf Board had filed C.R.P.No.252 of 2023 and there have been no interim orders against the registration. That being the case, there is no impediment to the registration and the respondent, before whom the document is presented, is bound to register the same.

5. In the above circumstances, the Writ Petition is allowed and impugned order dated 09.10.2024 is set aside. The petitioner is directed to represent the settlement deed along with a copy of the order of this Court before the respondent within a period of two weeks from the date of receipt of a copy of this order and on such representation, the documents shall be registered. There shall be no order as to costs.

**11.11.2024**

Index: Yes/No  
Speaking order/non-speaking order  
Neutral Citation: Yes/No



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srn

To,

The Sub Registrar,  
Joint-I, Cuddalore,  
Cuddalore Taluk,  
Cuddalore District



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**P.T.ASHA, J.,**

srn

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