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W.P.No.34289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34289 of 2024

T.Perumal

.... Petitioner

Vs

The Sub Registrar,
The office of Joint Sub Registrar – II,
Krishnagiri Taluk and District.

.... Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records leading to the impugned refusal check slip No.RFL/2 Joint Sub Registrar Krishnagiri/72/2024 dated 04.07.2024 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 11.06.2024 presented for registration.

For Petitioner : Mr.C.Jagadish

For Respondent : Mr.M.Shajahan
Special Government Pleader



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ORDER

Challenging a Refusal Check Slip issued to the petitioner

in respect of the settlement deed submitted by him, the petitioner is before this Court.

2. The petitioner would submit that he is the absolute owner of the property measuring an extent of 27 cents comprised in Survey No.266/2P, Agaram Village, Krishnagiri Taluk and District in Patta No.583. The petitioner had executed a settlement deed dated 11.06.2024 in favour of his grandson, viz., E.Raja, who is the son my predeceased son Ellappan. This document was presented for registration on 04.07.2024 before the respondent. The respondent refused to register the same stating that the patta produced before the respondent reflects the names of three other persons and therefore, the said persons should also joint in the execution of the settlement deed or title documents in respect of the property has to be furnished. Therefore, aggrieved by the same, the petitioner is before this Court.



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3. Heard the learned counsel on either side and perused the records.

4. The issue does not fall under either the head of execution of document or identity of the person executing the document. The petitioner, whose name also features in the patta, seeks to settle this property upon his grandson. The respondent's verification of the documents is restricted to verifying the execution and identity of the parties. The Registering Authority cannot go into the question of title. This factum has been reiterated several times over by judicial orders.

5. Therefore, the impugned order is hereby set aside. The respondent is directed to register the settlement deed within a period of two weeks (2) from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands



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allowed. No costs.

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Index : Yes/No

Internet : Yes/No

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To

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The office of Joint Sub Registrar – II,
Krishnagiri Taluk and District.

P.T. ASHA, J,

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