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WP.No.37200 of 2024

In the High Court of Judicature at Madras

Dated : 12.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37200 of 2024

Kaliyappa Gounder

Vs

...Petitioner

The Sub-Registrar, Madukkarai,
Coimbatore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent passed in RFL/Madukkarai/BOOK II (2 & 3) dated 17.5.2024, quash the same and consequently direct the respondent to register.

For Petitioner : Dr.Nisha
For Respondent : Mr.B.Vijay, AGP

ORDER

Challenging the check slip issued by the respondent dated 17.5.2024 refusing to register (i) the Will executed by the petitioner executed in favour of his elder son and (ii) the settlement deed executed by the petitioner in favour of his younger son, both dated 17.5.2024, and for a consequential direction to the respondent to



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register the same, the petitioner is before this Court.

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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

The petitioner executed a settlement deed in favour of his younger son and a Will in favour of his elder son, both dated 17.5.2024, in respect of certain properties. However, the said documents were refused to be registered by the respondent on the ground that the survey numbers were not subdivided, that the title documents of the land owner were not produced and that a protest petition has been given by one Mr.Balasubramanian.

4. The petitioner executed the settlement deed and the Will on the strength of a registered partition deed entered into on 16.2.1984 registered as doc.No.525 of 1984 on the file of the Joint-2 Sub-Registrar, Coimbatore among the petitioner, his wife - one Mrs.Sivakamiyammal, his brother - one Mr.Kasi Gounder and his brother's wife - one Mrs.Ramathal. The properties, which had been allotted to the petitioner, had been described in the A schedule. Apart from that, the other properties purchased by him, have also been



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included in the settlement deed and the Will, both dated 17.5.2024, within specified boundaries. Therefore, it is the contention of the petitioner that the survey numbers have not been subdivided cannot be a reason for refusing to register the deeds in question and more particularly when the earlier registered documents formed the genesis for the execution of the present two documents.

5. In the considered view of this Court, the reason given for rejecting the request for registration does not come within the powers given to the respondent under the Indian Registration Act. Time and again, the Courts have been issuing directions that the Registering Authorities should confine themselves to the powers given to them under the Act and not confer upon themselves the powers not entrusted to them. Further, the protest petition given by the said Mr.Balasubramanian is not backed by any order of the Court.

6. In the light of the above, the writ petition is allowed, the impugned refusal check slip is set aside and the respondent is directed to register the documents presented by the petitioner within a period of two weeks from the date of its representation. No costs.

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P.T.ASHA,J

RS

To
The Sub-Registrar, Madukkarai,
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