



W.P(MD)No.4641 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4641 of 2024

M.A.Jaithoon Beevi

... Petitioner

Vs.

The Joint Sub Registrar No.II,
Dindigul Sub Registrar Office,
Dindigul.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the Refusal Check Slip in RFL/2 No.Joint Sub Registrar Dindigul/9/2024 dated 20.02.2024 on the file of the Joint Sub Registrar II, Dindigul, the Respondent herein and quash the same and consequently direct the Respondent to receive and register the Settlement Deed dated 20.02.2024 presented by the Petitioner in favour of A.Nazar Mohamed in respect of the property, being land and building in Old S.No.828/2 and New S.No.828/2B, Roja Nagar, Near RMTTC Colony, Natham Road, Rediapatty, Dindigul Taluk.



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For Petitioner : Mr.Y.Prakash

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

Heard both sides.

2.The petition mentioned property stood in the name of the petitioner's son Amir Ali Amja. The property was mortgaged in favour of the Indian Bank, Main Branch, Dindigul. The said son passed away. The petitioner now wants to execute a settlement deed in favour of her other son A.Nazar Mohamed. The document was presented for registration. Registration was refused on two grounds ; a) parent deed was not produced ; b) legal heir certificate of daughter in law was not produced.

3.I am more than satisfied that the impugned refusal check slip has to be set aside. Non-production of the parent deed cannot be a ground for refusing registration. This is all the more so because, the mortgage loan has been cleared and No Due Certificate issued by the Indian Bank has also been produced. It is true that after the demise of the petitioner's son, his wife also would get a share in the property. But then, the



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petitioner's daughter in law is also no more. The death certificate of the petitioner's daughter in law has also been produced in the typed set of papers. Admittedly, the petitioner's son Amir Ali Amja died without leaving behind any issues. Therefore, there cannot be any impediment in registering the petition mentioned settlement deed. The impugned refusal check slip is set aside. The petitioner is permitted to re-present the document in question. The respondent is directed to receive the document, register and release it subject to the fulfilment of the other usual formalities.

4.This writ petition is allowed. No costs.

26.03.2024

Index : Yes / No
Internet : Yes/ No
Skm

To:-

The Joint Sub Registrar No.II,
Dindigul Sub Registrar Office,
Dindigul.

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G.R.SWAMINATHAN, J.

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