



W.P.(MD)No.6618 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.6618 of 2024
and
W.M.P(MD)No.6175 of 2024

1.Arangulavan
2.Govindharaj

...Petitioners

-Vs-

1.Inspector General of Registration,
Registration Department,
Chennai.

2.The Deputy Inspector General of Registration,
Registration Department, Trichy District.

3.The District Registrar,
Registration Department,
Pudukkottai Post and Taluk,
Pudukkottai District.

4.The Sub Registrar,
Registration Department,
Alangudi Sub Registration Department,
Alangudi, Pudukkottai District.

5.The Sub Registrar,
Karambakudi Sub Register Officer,
Karambakudi Taluk,
Pudukkottai District.

6.M.Srinivasan

...Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 5th respondent in his No.14/2023 dated 11.12.2023, quash the same consequently direct the 4th and 5th respondents to register the document presented by the 2nd petitioner in respect of the properties mentioned in the gift settlement deed bearing Doc.No.1657/2021 dated 18.06.2021 excluding the disputed properties in survey numbers in SF No. 455/4B2, 455/4B1 and 455/2B of Malaiyur Village, Alangudi Taluk, Pudukkottai District and deleting the encumbrance in respect of SF No. 269/2A of Kulanthiranpattu Village, Karambakudi Taluk, Pudukkottai District by the 5th respondent and register the documents submitted by the first petitioner by considering petitioner's representation dated 01.02.2024.

For Petitioners	: Mr.R.Murali for M/s.KBS Law office
For Respondents	: Mr.S.P.Maharajan Special Government Pleader for RR1 to 5 Mr.H.Lakshmi Shankar for Mr.D.Ramesh Kumar for R6

ORDER

This writ petition has been filed for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 5th respondent in his No.14/2023 dated 11.12.2023, quash the same consequently direct the 4th and 5th respondents to register the document



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presented by the 2nd petitioner in respect of the properties mentioned in the gift settlement deed bearing Doc.No.1657/2021 dated 18.06.2021 excluding the disputed properties in survey numbers in SF No. 455/4B2, 455/4B1 and 455/2B of Malaiyur Village, Alangudi Taluk, Pudukkottai District and deleting the encumbrance in respect of SF No. 269/2A of Kulanthiranpattu Village, Karambakudi Taluk, Pudukkottai District by the 5th respondent and register the documents submitted by the first petitioner by considering petitioner's representation dated 01.02.2024.

2. The second petitioner has executed the mortgage deed in respect of the subject property comprised in S.No.49/11B situated at Karambakudi Taluk, Pudukkottai District. It is self acquired property in favour of the Bank. However, it was refused to register in pursuant to the order passed by the District Registrar and also confirmed by the Deputy Inspector General of Registration which are impugned in the writ petition in W.P(MD)No.16051 of 2023.

3. On perusal of the records reveal that the property comprised in SF Nos. 455/4B2, 455/4B1 and 455/2B of Malaiyur Village, Alangudi Taluk, Pudukkottai District and the property comprised in S.No.49/11B has concluded the property by the second petitioner. Therefore, the fifth respondent ought not



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to have refused to register the mortgage deed executed by the second petitioner in respect of the property comprised in S.No.49/11B situated at Karambakudi Taluk and Village, Pudukottai District.

4.In view of the above, the impugned order cannot be sustained and is liable to be quashed. The petitioner is directed to re-present the mortgage deed in respect of the private Bank and on receipt of the same, the fifth respondent is directed to register and release the deed forthwith. It is also made clear that the second petitioner can very well deal with the remaining extension of the property in the manner known to law.

5.With the above said directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

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