



W.P(MD)No.6418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6418 of 2024
and
W.M.P(MD)No.6006 of 2024

Kamaraj

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Veeravanallur,
Tirunelveli District.

... 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 check slip dated 14.09.2023 bearing refusal No.RFL/North Veeravanallur/80/2023, on the file of the respondent pertaining to rejection of registration and to quash the proceeding as illegal and further direct the respondent to register the release deed, dated 14.09.2023 executed in favour of the petitioner.



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For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard the both sides.

2.The petitioner's siblings executed release deed dated 14.09.2023 in favour of the petitioner. The same was presented for registration. The Registrar declined registration and issued impugned refusal check slip. Challenging the same, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and set aside the same and grant relief as prayed for.

4.The learned Government Advocate appearing for the respondents pointed out that there is discrepancy as regards the particulars set out in the patta and that is why the registering authority rightly declined to entertain the document. He called upon this Court to sustain the same and dismiss the same.



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5.I carefully considered the rival contentions and went through the materials on record.

6.The petitioner's father is one Subramanian. He blessed with two wives. The petitioner was born through the second wife. The children born to Subramanian through the first wife as well as the second wife was party to the release deed. The petitioner had filed copy of the Patta No.171 standing in the name of Subaramanian. It is true that the patta mentions the names of the pattadhar as Subramaniandravidan, Pudhuamman Kovil Street. The petitioner's father's father's name was actually Raman. The petitioner is unable to offer any explanation as to how the name Dravidan got incorporated in the patta. I am of the view that this is only minor discrepancy which can very well be ignored. The petitioner has filed an additional typed set of papers and it can be seen therefrom that the petitioner's father was Subramanian son of Raman. In fact, the address is given as Pudhuamman Kovil street. The property has been assessed to house tax by the local body. There is no rival claim. Therefore, the inclusion of the name Dravidan can very well be ignored. In this view of the matter, the impugned refusal check slip is quashed.



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The petitioner is permitted to re-present the document in question. It shall be received, registered and released subject to the fulfilment of the other usual formalities.

7.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 22.03.2024.

To

The Sub Registrar,
Sub Registrar Office,
Veeravanallur,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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