



W.P(MD)No.7666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7666 of 2024

S.Rajamohan

... Petitioner

Vs

The Sub Registrar,
Bodinayakanur,
Theni District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip in RFL / Bodinayakanur / 10/ 24 dated 19.03.2024 issued by the respondent and quash the same and consequently to direct the respondent to register the gift deed dated 19.03.2024 in favour of the Government executed by the petitioner and others.



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For Petitioner : Mr.T.Antony Arulraj
For Respondent : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Heard both sides.

2. The petitioner was a partner in a firm. An arbitration was conducted and the partnership properties were divided through an arbitral award. Totally, five members are involved. It appears that the property in S.No.237 was partitioned. A pathway was also earmarked and partition deed was also executed. The pathway has to be gifted to the Government. It appears that there is a dispute among the family members of one of the partners, who is no more. The remaining four partners have joined together and presented the gift deed for registration. The registering authority took the stand that since ownership cannot be properly determined, the document cannot be registered. To this effect, the refusal cheque slip was issued. Challenging the same, the present petition has been filed.

3. After going through the materials on record, I am satisfied that the



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petitioner and other executants are only gifting their share in the property set out in the schedule. The respondents cannot have any objection. Therefore, as and when the legal heirs of the remaining/deceased partner come forward, they can always execute an individual settlement deed. The impugned refusal check slip is quashed. The petitioners and others are permitted to re-present the gift deed. It shall be registered and released subject to the fulfillment of the usual formalities.

4. With the above direction, this writ petition is allowed. No costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR

To
The Sub Registrar,
Bodinayakanur,
Theni District.



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G.R.SWAMINATHAN, J.

LR

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