



W.P.(MD).No.7944 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7944 of 2024

V.Palanisamy

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
Puduthamaraipatti,
Madurai East Taluk,
Madurai 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 records relating to the impugned refusal check slip in Refusal Number : RFL/Thamaraipatti/1/2024 dated 22.03.2024 and quash the same as illegal and consequently direct the respondent to register the documents presented by the petitioner for registration of settlement deed (Gift) without insisting for the production of original parent document in the light of the order made by this Court in W.P.(MD).No.19745 of 2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



W.P.(MD).No.7944 of 2024

ORDER

Heard both sides.

2. The petitioner wants to execute a settlement deed in favour of his son.

When the document was presented for registration, it was returned.

Challenging the refusal check slip, the present Writ Petition came to be filed.

3. The learned Additional Government Pleader appearing for the respondent points out that registration was refused for the following two reasons:

a) The petitioner's father's name is mentioned in the patta as Vellaiya Naidu, whereas, the petitioner's father's name is Venkidusamy Naidu; and

b) The original parent document could not be produced.

4. The second reason can be very easily overcome. My attention is drawn to the order dated 04.09.2023 made in W.P.(MD).No.21157 of 2023. A learned Single Judge of this Court had held that in cases of settlement deeds, if the original document is not traceable, registration can be accepted on the strength of affidavits filed by the executants.



W.P.(MD).No.7944 of 2024

5. As regards the other reason, I sustain the stand of the learned Additional Government Pleader that after correcting the patta, the document can be re-presented.

6. The petitioner is therefore permitted to submit an application before the jurisdictional Tahsildar seeking correction of the petitioner's father's name in the patta. As and when such an application is received, after a summary enquiry and on being satisfied that the petitioner's case is genuine, the petitioner's father's name can be corrected as Venkidusamy Naidu in the patta. After obtaining a revised patta from the jurisdictional Tahsildar, the document can be re-presented before the respondent. The petitioner shall also file an affidavit indicating that the original parent document is not traceable. Thereupon, the document shall be accepted for registration and the same shall be registered and released subject to fulfilment of the other usual formalities.

7. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



W.P.(MD).No.7944 of 2024

WEB COPY

To
The Sub Registrar,
Office of Sub Registrar,
Puduthamaraipatti,
Madurai East Taluk,
Madurai District.



WEB COPY



W.P.(MD).No.7944 of 2024

G.R.SWAMINATHAN, J.

Lm

W.P.(MD).No.7944 of 2024

28.03.2024