



W.P(MD)No.8332 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8332 of 2024

and

W.M.P.(MD)Nos.7545 & 7546 of 2024

1.Mariammal

2.M.Parthiban

3.M.Malathi

... Petitioners

Vs.

The Sub-Registrar,
Sankarankovil Registrar Office,
Sankarankovil.

... 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 order issued by the respondent vide proceedings No.Na.Ka.No.69/SR/2024 dated 27.02.2024 and further all consequential order and to quash the same and consequently directing the respondents to register the document presented by the petitioner.

For Petitioners : Mr.F.Deepak

For Respondent : Mr.B.Saravanan
Additional Government Pleader



W.P(MD)No.8332 of 2024

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ORDER

Heard both sides.

2. The petition mentioned document was presented for registration. The respondent denied registration by citing the clauses in the parent deed. One Arunagiri Chettiar had executed the settlement deed dated 18.07.1985 in favour of his wife Somasundarammal and his grand-daughter Mariammal. The settlement deed further reads that Mariammal can enjoy the property during her life time and that thereafter it will go to her children. Now, both Mariammal as well as her children are before this Court. The settlor namely Arunagiri Chettiar wanted to ultimately benefit the petitioners 2 & 3. When they are willing to sail with their mother Mariammal, the registering authority need not come in the way. The registering authority could have declined to register the document in question only on the ground set out in the statutory rules namely 55 & 152 of the Registration Rules. When all the stake holders are having consensus among themselves, it is not open to the registering authority to cite the prohibitory clause in the parent document for declining registration.



W.P(MD)No.8332 of 2024

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3. In this view of the matter, the impugned order is set aside. The petitioners are granted liberty to re-present the document in question. It shall be registered and released subject to fulfilment of other usual formalities.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

07.06.2024

Index : Yes / No
Internet : Yes/ No
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To

The Sub-Registrar,
Sankarankovil Registrar Office,
Sankarankovil.



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W.P(MD)No.8332 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.8332 of 2024

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