



W.P.(MD)No.9134 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.9134 of 2021

Kottalamuthu

... Petitioner

Vs.

1. The Sub Registrar,
Office of the Sub Registrar,
Alwarthirunagari,
Eral Taluk,
Thoothukudi District.

2. Kathiresan

3. Gunasekaran

4. Sivanantham

5. Sundar

... Respondents

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 pertaining to the impugned check slip in ref. vide RFL/Alwarthirunagari/39/2021 dated 26.03.2021 issued by the first respondent and quash the same as illegal and unconstitutional and consequently direct the first respondent to register the settlement deed



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dated 26.03.2021 presented by the petitioner for registration and release the same to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Mandhiralingeswaran

For R1 : Mr.B.Saravanan
Additional Government Pleader

For R2 to R5 : Mr.S.Vikram

ORDER

The Writ Petition is directed against the issuance of refusal check slip dated 26.03.2021 by the first respondent and for directions to the first respondent to register the settlement deed dated 26.03.2021 presented by the writ petitioner for registration and release the same to the writ petitioner within the time stipulated by this Court.

2. The writ petitioner has executed a settlement deed dated 26.03.2021 settling his property in favour of his wife and when the same was presented for registration, the first respondent has refused to register the same and issued refusal check slip stating that the said property came to be registered in the name of one Muthumalai Nadar and others vide document No.2582/1952 and the executant has not offered any reason for the same.



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3. When the matter is taken up for hearing today, the learned counsel appearing for the respondents 2 to 5 has filed a counter affidavit stating that they have no objections for registering the document. The respondents 2 to 5 have taken a stand that when a partition deed was entered into in their family, the property of the present writ petitioner was wrongly included and the same was noticed only in 2021 and at the request of the writ petitioner, they have entered into a memorandum of understanding dated 03.03.2021, wherein, the respondents 2 to 5 have stated that they have no right whatever in the property comprised in Survey No.31A/1C of Mavidipannai Village, Eral Taluk, Thoothukudi District.

4. The learned Additional Government Pleader appearing for the first respondent would submit that considering the no objection stated by the respondents 2 to 5, orders can be passed

5. Considering the above facts and circumstances and also the stand taken by the respondents 2 to 5, the impugned refusal check slip is hereby set aside. The writ petitioner is directed to produce the settlement



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deed before the first respondent and on receipt of the same, the first respondent is directed to register the same, if it is otherwise in order.

6. In the result, this Writ Petition is allowed. No costs.

03.07.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Sub Registrar,
Office of the Sub Registrar,
Alwarthirunagari,
Eral Taluk,
Thoothukudi District.



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K.MURALI SHANKAR, J

csn

**Order made in
W.P.(MD)No.9134 of 2021**

Dated : 03.07.2024