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W.P.(MD)NO.9163 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9163 of 2024 AND

W.M.P.(MD)No.8352 of 2024

G.Mohana

... Petitioner

Vs.

1. The Sub Registrar,
Devakottai, Sivagangai District.

2. Palani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned refusal check slip No.RFL/Devakottai/21/2024 dated 12.03.2024 on the file of the first respondent and quash the same and further direction to the first respondent to receive and register the gift settlement deed dated 11.03.2024.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

* * *

**ORDER**

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The second respondent has been served. He has not chosen to enter appearance and his name is also printed in the cause list.

2. The petitioner executed settlement deed in favour of her husband. It was presented for registration. The original document is with the second respondent who is the agreement holder. On account of non-production of the original document, the first respondent declined to register the document in question. Challenging the same, the present writ petition came to be filed.

3. It is well settled that the subsistence of sale agreement is not a ground for refusal of registration. The purpose of refusal of registration is to relegate the parties to assure one's title.

4. The petitioner is permitted to re-present the document in question. The first respondent shall issue notice to the second respondent. Maximum period of 21 days shall be given to the second respondent. If during the intervening period restraint order is obtained, the registering authority will abide by the outcome of the civil Court's order. If no restraint order is obtained within the aforesaid period, the document in question shall be registered and released subject to



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fulfilment of the other usual formalities. The impugned refusal check slip

is set aside. This writ petition stands allowed with the aforesaid terms.

No costs. Consequently, connected miscellaneous petition is closed.

03.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Sub Registrar,
Devakottai, Sivagangai District.



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G.R.SWAMINATHAN,J.

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