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W.P.(MD)No.9137 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9137 of 2024

AND

W.M.P.(MD)Nos.8319 & 8320 of 2024

Rajapriya

... Petitioner

Vs.

1. The District Registrar,
O/o.the District Registrar,
Registration Department,
Tiruchirappalli.

2. The Sub Registrar,
Kattuputhur Sub Registrar Office,
Registration Department,
Kattuputhur,
Thottiyam Taluk,
Tiruchirappalli District.

... 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 pertaining to the impugned refusal check slip issued by the second respondent in RFL/Kattuputhur/27/2024 dated 20.03.2024 and quash the same and consequently direct the second respondent to register the settlement deed dated 15.03.2024 executed in favour of the petitioner herein within the time limit stipulated by this Court.

For Petitioner : Mr.N.Sudhadagar Nagaraj
For R-1 & R-2 : Mr. B.Saravanan,
Additional Government Pleader.

* * *



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ORDER

Heard both sides.

2. The petitioner is the settlee. Her husband Subramanian executed settlement deed dated 20.03.2024 in favour of the petitioner and the same was presented for registration. The registering authority took the stand that the patta is a joint patta and that therefore the document cannot be registered. To this effect, the impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3. The argument of the petitioner's counsel is that admittedly, the property stood in the joint names of Karuppa Gounder, Silamban and Palani Gounder. The partition took place among them in the year 1991 itself. Patta had not been mutated and it remained as joint patta. Subramanian is none other than the son of Karuppa Gounder. My attention is drawn to the relevant entries in the encumbrance register.

4. The petitioner is permitted to re-present the document before the second respondent. The petitioner shall also produce the partition



deed which indicates that the petition mentioned property had already been allotted to the share of the petitioner's husband. On the second respondent being satisfied that only a partitioned property is being settled, the document in question shall be registered and released subject to fulfilment of the other usual formalities. The second respondent will ignore the fact that the patta is joint, if there is a partition deed in favour of the petitioner's husband branch. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2024

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

To:

1. The District Registrar,
O/o.the District Registrar,
Registration Department,
Tiruchirappalli.
2. The Sub Registrar,
Kattuputhur Sub Registrar Office,
Registration Department,
Kattuputhur,
Thottiyam Taluk,
Tiruchirappalli District.



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G.R.SWAMINATHAN,J.

PMU

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