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W.P.(MD)NO.9165 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.9165 to 9168 of 2024

W.P.(MD)No.9165 of 2024

V.Puzhalenthiya Perumal

... Petitioner

Vs.

The Joint No.2 Sub Registrar,
Tenkasi.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for records of the impugned refusal check slip No. RFL / 2/45/2024 dated 27.03.2024 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to register the settlement / family arrangement deed dated 11.12.2023 executed in favour of the writ petitioner.

W.P.(MD)No.9166 of 2024

V.Thiruppathi Raman

... Petitioner

Vs.

The Joint No.2 Sub Registrar,
Tenkasi.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for records of the



impugned refusal check slip No. RFL / 2/44/2024 dated 27.03.2024 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to register the settlement / family arrangement deed dated 11.12.2023 executed in favour of the writ petitioner.

W.P.(MD)No.9167 of 2024

N.Palvannan

... Petitioner

Vs.

The Joint No.2 Sub Registrar,
Tenkasi.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for records of the impugned refusal check slip No. RFL / 2/43/2024 dated 27.03.2024 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to register the settlement / family arrangement deed dated 11.12.2023 executed in favour of the writ petitioner.

W.P.(MD)No.9168 of 2024

A.Balakrishnan

... Petitioner

Vs.

The Joint No.2 Sub Registrar,
Tenkasi.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for records of the



impugned refusal check slip No. RFL / 2/42/2024 dated 27.03.2024 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to register the settlement / family arrangement deed dated 11.12.2023 executed in favour of the writ petitioner.

(in all W.Ps.)

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

* * *

COMMON ORDER

Heard both sides.

2. The cases on hand pertain to the properties that stood in the name of Puzhal Petra Perumal. He passed away on 01.09.1992. He was blessed with three sons and two daughters. It appears that there was an oral partition among the family members even during the life time of Puzhal Petra Perumal. It is seen from the materials on record that the estate of Puzhal Petra Perumal was the subject matter of several transactions. In the typed set of papers, as many as four registered documents have been enclosed. While so, the petitioners herein wanted



to execute the deeds of settlement. The settlement deeds were presented for registration before the respondent. The registering authority appears to have received a complaint from a family member who probably does not want to disclose his identity. This is the oral information received by the petitioners herein. Registration was refused for the reason that the legal heir certificate of Puzhal Petra Perumal has not been produced. In the counter affidavit also, no other reason has been assigned. When the property of Puzhal Petra Perumal was allowed to be dealt with through registered transactions on several occasions earlier, I fail to understand as to why such an objection has been raised. If there is an objector, it must be disclosed. Without doing so, it is not open to the registering authority to project the ground set out in the impugned refusal check slips.

3. Since the estate of Puzhal Petra Perumal was allowed to be dealt with and the documents were also duly registered, it is open to the respondent herein to raise a ground not raised earlier objection. If I sustain the impugned refusal check slips, the fundamental right to equality guaranteed under Article 14 of the Constitution of India to the petitioners herein would stand breached. The petitioners would definitely be entitled to complain that when similarly placed



persons were allowed to deal with the property and the objections now set forth were not raised against them, the petitioners cannot be selectively targeted. On this sole ground, the impugned refusal check slips are quashed. The petitioners are permitted to re-present the documents and they shall be registered and released by the respondent subject to fulfilment of the other usual formalities. These writ petitions stand allowed. No costs.

27.06.2024

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

To:

The Joint No.2 Sub Registrar,
Tenkasi.



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W.P.(MD)NO.9165 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)Nos.9165 to 9168 of 2024

27.06.2024