



W.A.(MD)No.791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.791 of 2024
and
C.M.P.(MD)No.5929 of 2024**

S.Sumathi

... Appellant

vs

1.R.Ramajeyam

**2.The District Registrar,
Dindigul.**

**3.The Sub Registrar,
Sanapatti Registrar Office,
Ottasathiram Taluk,
Dindigul District.**

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 26.03.2024 passed in W.P(MD)No.19038 of 2022.

**For Appellant : Mr.M.Jerin Mathew
For R2 and R3 : Mr.A.Kannan
Additional Government Pleader**



W.A.(MD)No.791 of 2024

JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

The Writ Appeal is preferred as against the order, dated 26.03.2024 passed in W.P(MD)No.19038 of 2022, whereby, the Writ Court quashed the check slip refusing registration of the document and directed the official respondents to register the same.

2.It is the case of the first respondent/Writ Petitioner that the property in S.Nos.251/4 and 251/6 measuring an extent of 2 acres 67 cents in Vembarpatti Village, Sanarpatti Sapdi, Dindigul South Taluk, Dindigul District, is the ancestral property of her father and pursuant to a registered partition deed, dated 29.12.1988, the above property was allotted to the share of her father, namely, Durai Raj. Even during the life time of her father, the property was divided into six shares among the legal heirs including the father and also some of the legal heirs including the father had executed documents settling their shares allotted to them in favour of their legal heirs. In respect of one share allotted to the first respondent measuring



W.A.(MD)No.791 of 2024

44½ cents, she wanted to settle the property to her adopted daughter, who is actually the sister's daughter, namely, Kaviya and therefore, presented a settlement deed, dated 03.08.2022 on the file of the third respondent herein, which was returned by a refusal check slip, dated 03.08.2022, mainly on the ground that the original parent document has not been annexed. Challenging the refusal of registration, the Writ Petition was filed and the learned Judge after impleading the appellant herein, as third respondent, allowed the Writ Petition. Assailing the same, the appellant has preferred the above appeal.

3.The learned Counsel appearing for the appellant argued that when the property has not been divided among the legal heirs, the first respondent/Writ Petitioner cannot execute a settlement deed in favour of her adopted daughter and further, the settlement deed cannot be presented for registration without producing the original title deeds, which is required for verifying the title and therefore, the registering authority had rightly refused registration. But, however, the learned Judge had erroneously interfered in the order and has allowed the Writ Petition, which is not sustainable, he contended.



W.A.(MD)No.791 of 2024

4.The learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that already the order passed by the Writ Court had been acted upon and the settlement deed presented by the first respondent/Writ Petitioner had already been registered in Doc.No. 1501/2024 and therefore, nothing remains for further adjudication and sought for dismissal of the appeal.

5.Heard the learned Counsels on either side and perused the materials available on record.

6.Admittedly, the property measuring an extent of 2 acres 67 cents in S.Nos.251/4 and 251/6 in Vembarpatti Village, Sanarpatti Sapdi, Dindigul South Taluk, Dindigul District belonged to one Durai Raj, who is the father of the appellant and the first respondent. The perusal of the legal heirship certificate issued by the Tahsildar, Dindigul East Taluk, dated 05.07.2021, reveals that the appellant's father, Durairaj, died on 03.05.2021 leaving behind six legal heirs, who are his wife, four daughters and a son. When both the appellant and the first respondent are the daughters of the deceased Durai Raj, naturally, the first respondent/Writ Petitioner is entitled for 1/6



W.A.(MD)No.791 of 2024

undivided share of the property that belonged to her father.

WEB COPY

7.The first respondent, who had inherited 1/6 undivided share in the property measuring an extent of 44½ cents, wanted to settle the property in favour of her adopted daughter, Kaviya, who is the daughter of her sister and therefore, had executed a settlement deed, dated 03.08.2022 and presented the same for registration, which was refused by the third respondent through refusal check slip, dated 03.08.2022.

8.When there was no dispute in respect of the fact that the first respondent is the legal heir of the deceased, Durai Raj, and also her ownership in respect of 1/6 of the property, which she had inherited after the death of her father, and also when admittedly, the appellant herein has retained the original document, being co-sharer, the registration cannot be declined merely on the ground that the other co-sharer, who is holding the original document, has refused to hand over the same for verification.

9.As there was no dispute in the legal heirship or the title in respect of 1/6 undivided share of the first respondent, the learned Judge has rightly



W.A.(MD)No.791 of 2024

interfered with the order passed by the third respondent and set aside the refusal check slip and directed the registering authority to register the document. We do not find any fault with this approach of the learned Judge, who had, of-course, rightly directed the document to be registered as it cannot be refused on the sole ground that the appellant/co-sharer did not part with the original document for registration. Since the document presented had also now been registered in Doc.No.1501/2024 pursuant to the order passed by the Writ Court, we sustain the order passed by the learned Judge and no further orders are required. Accordingly, the Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K., J] & [G.A.M., J]
25.04.2024

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

cmr



W.A.(MD)No.791 of 2024

To

WEB COPY

1.The District Registrar,
Dindigul.

2.The Sub Registrar,
Sanapatti Registrar Office,
Ottasathiram Taluk,
Dindigul District.



WEB COPY



W.A.(MD)No.791 of 2024

R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

cmr

Judgment made in
W.A(MD)No.791 of 2024

25.04.2024