



W.P.(MD)No.11400 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11400 of 2022
and W.M.P.(MD)No.8104 of 2022

Nagallammal

... Petitioner

Vs.

The Sub Registrar,
Paramakudi Sub Registrar Office,
Paramakudi Taluk,
Ramanathapuram District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned refusal check slip No.RFL/Paramakudi/7/2022 dated 14.04.2022 on the file of the respondent to quash the same and further directing the respondent to register the settlement Deed dated 11.04.2022 executed by the petitioner to the Petitioner's sons and Daughters.

For Petitioner	: Mr.K.Vinoharan
For Respondent	: Mr.C.Satheesh, Govt. Advocate



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned refusal check slip No.RFL/Paramakudi/7/2022 dated 14.04.2022 on the file of the respondent to quash the same and further directing the respondent to register the settlement Deed dated 11.04.2022 executed by the petitioner to the Petitioner's sons and Daughters.

2. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

3. It is the case of the petitioner that the subject property originally belongs to the petitioner's husband, by virtue of sale deeds and settlement deeds. During his life time, he executed a Will dated 02.11.2018, bequeathing the said properties in favour of the petitioner. After his demise, the petitioner has become the owner of the subject property. Thereafter, the petitioner executed a settlement deed dated 11.04.2022 in favour of her sons and daughters. When the petitioner presented the settlement deed for registration, the same was refused to be



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registered on the ground that the Will dated 02.11.2018 is an unregistered document and further insisted the petitioner to produce the patta in respect of the subject property. Challenging the same, the petitioner has filed this Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner has also obtained patta in respect of the subject property. However, the respondent without considering the same, passed the impugned order, whereby insisting the petitioner to produce the patta. Therefore, the impugned order is liable to be set aside.

5. This Court, in ***Subramani v. Office of Sub-Registrar, Rasipuram, in W.P.No.11056 of 2024, dated 26.04.2024***, has categorically held that refusals cannot be ordered automatically. Pursuant to the said judgment, a detailed circular was already issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities mechanically refused to register the documents.

6. Considering the above settled position of law, this Writ Petition is allowed and the impugned order dated 14.04.2022 passed by the respondent stands



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quashed. The respondent is directed to register the settlement deed dated 11.04.2022, executed by the petitioner, within a period of one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

09.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

The Sub Registrar,
Paramakudi Sub Registrar Office,
Paramakudi Taluk,
Ramanathapuram District.



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N.SATHISH KUMAR, J.

vsm

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