



W.P.(MD)No.10755 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.10755 of 2023

K.Shaik Dawood

... Petitioner

Vs.

The Sub Registrar,
Lalgudi Sub-Registrar Office,
Tiruchirappalli 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 respondent's impugned Refusal Check Slip Number:RFL/Lalgudi/43/2023 dated 25.04.2023 and quash the same as devoid of merits and consequently directing the respondent to accept the registration of the Gift Settlement Deed dated 25.04.2023 executed by the petitioner in favour of his grandson H.Bandhe Nawaz in respect of the property in Survey No.58/1B an extent of 2 Acres in Nerunjalakudi Village, Lalgudi Taluk, Trichirappalli District as per the Online Application No.TP/143753963/2023, dated 24.04.2023, within the period stipulated by this Court.



W.P.(MD)No.10755 of 2023

For Petitioner : Mr.A.Haja Mohideen
For Respondent : Mr.P.Subbaraj,
Spl. Govt. Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent's impugned Refusal Check Slip Number:RFL/Lalgudi/43/2023 dated 25.04.2023 and quash the same as devoid of merits and consequently directing the respondent to accept the registration of the Gift Settlement Deed dated 25.04.2023 executed by the petitioner in favour of his grandson H.Bandhe Nawaz in respect of the property in Survey No.58/1B an extent of 2 Acres in Nerunjalakudi Village, Lalgudi Taluk, Trichirappalli District as per the Online Application No.TP/143753963/2023, dated 24.04.2023, within the period stipulated by this Court.

2. It is the case of the Writ Petitioner that the subject property was settled to the petitioner and his brother through a registered settlement deed dated 17.01.1964 from one S.K.Mohamed Maideen Routhar. Since the petitioner's



W.P.(MD)No.10755 of 2023

brother is a bachelor, he gave his share of the property to the petitioner by way of oral Hiba and to that effect he has also written a Hiba Settlement deed dated 10.09.2003, which was not registered. Thereafter, the petitioner decided to settle his property in favour of his grandson and executed a gift settlement deed dated 25.04.2023. When the petitioner presented the said gift settlement deed dated 25.04.2023 for registration, the same was refused to be registered on the ground that patta has not been produced. Challenging the same, the petitioner has filed this Writ Petition.

3. When the matter came up for hearing, the learned counsel appearing for the petitioner submitted that patta is available now and he is ready to produce the same for registration.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the submissions made by the learned counsel for the petitioner that the petitioner is ready to produce the patta, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside and this Writ



W.P.(MD)No.10755 of 2023

Petition is allowed, The petitioner is directed to produce the original patta for registration of the gift settlement deed dated 25.04.2023, within a period of one week from the date of receipt of a copy of this order. On production of the same, the respondent is directed to register the gift settlement deed dated 25.04.2023 within a period one week thereafter. There shall be no order as to costs.

30.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.10755 of 2023

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The Deputy Inspector General of Registration,
Department of Registration,
Tiruchirapalli.



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W.P.(MD)No.10755 of 2023

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.10755 of 2023

30.08.2024