



W.P(MD)No.13606 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13606 of 2024

Rajeswari

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registration,
Sankarankovil,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip in RFL/Sankarankovil/29/2024 dated 10.05.2024 issued by the respondent herein and quash the same as illegal and unconstitutional and consequently directing the respondent to register the Settlement Deed dated 09.05.2024.

For Petitioner : Mr.V.Selvakumar

For Respondent : Mr.R.Ragavendran,
Government Advocate.



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ORDER

Heard both sides.

2.One Subramanian and Vallithai executed settlement deed dated 27.06.2011 in favour of their sons namely, Annamurugan and Ramuthurai. The document reads that after their life time, Annamurugan and Ramuthurai can take the property absolutely. Subramanian is no more but Vallithai is still alive. Ramuthurai has also passed away. In these circumstances, the question that arises whether Annamurugan can part with his undivided share in the property. Annamurugan executed settlement deed in favour of the writ petitioner. The document was presented for registration. The registering authority took the view that only after the demise of Vallithai, Annamurugan will get absolute half undivided share in the property and since Vallithai is still alive, the document in question cannot be entertained. To this effect, refusal check slip was issued.

3.According to me, the impugned refusal slip is well founded. Interference is not warranted. The writ petition stands dismissed.

4.At this stage, the learned counsel for the petitioner states that to protect the rights of Annamurugan, the transaction will have to go through. The



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petitioner is given liberty to file a fresh writ petition on this cause of action. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub Registrar,
Office of the Sub Registration,
Sankarankovil,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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