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W.P.(MD)NO.14385 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14385 of 2023 AND
W.M.P.(MD)No.12193 of 2023

S.Gopinath

... Petitioner

Vs.

1. The District Registrar,
District Registrar's Office,
Karur, Karur District.

2. The Joint I Sub Registrar,
Joint I Sub Registrar's Office,
Karur, Karur District.

3. M.Sivasankaran

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the second respondent in RFL No.RFL/1 No.Joint Sub Registrar Karur/55/2022 dated 28.11.2022 and quash the same as illegal and consequently direct the second respondent to register the petitioner's settlement deed and sale deed dated 09.11.2022.

For Petitioner : Mr.V.Balaji

For R-1 & R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-3 : Mr.R.Vignesh

* * *

**ORDER**

Heard both sides.

2. The petitioner's mother Kaliammal and sister Revathi want to settle the petition-mentioned property in favour of the petitioner. The property is an assigned property. The settlement deed was refused registration by the second respondent. The reason set out in the refusal check slip is that the property had been attached vide order dated 16.03.2021 in I.A.No.1 of 2020 in O.S.No.130 of 2020 on the file of the District Court, Karur.

3. The petitioner's counsel points out that the settlors are not parties to the suit or I.A order. Likewise the suit schedule is also without four boundaries. It appears to encompass a larger extent of land. His settlers are not tracing their title through the defendants in O.S.No.130 of 2020. It is obvious that the properties are different.

4. In this view of the matter, even though the learned counsel appearing for the third respondent strongly raised his objections, I set aside the impugned refusal check slip. The returned settlement deed can be re-presented. The second respondent shall receive the same, register it and release it subject to fulfilment of the other usual formalities. I make it



clear that the benefit of this order cannot be claimed by third parties. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Registrar,
District Registrar's Office,
Karur, Karur District.
2. The Joint I Sub Registrar,
Joint I Sub Registrar's Office,
Karur, Karur District.



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G.R.SWAMINATHAN,J.

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