



W.P(MD)No.16918 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16918 of 2024

and

W.M.P.(MD)Nos.14575 and 14576 of 2024

Nagalingam

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar,
Thirchuli,
Virudhunagar District.

... Respondents

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 on the files of the 2nd respondent pertaining to its proceeding Nil Dated 30.04.2024 and to quash the same and directing the 2nd respondent register the document that is the settlement deed registered on 30.04.2024.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.D.Farjana Ghoushia,
Spl. Government Pleader.



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ORDER

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The petitioner was born with a brother and a sister. The sister was given away in marriage in the year 1976 itself. The petitioner's father / Alagarsamy passed away on 20.12.1978. Immediately thereafter, partition took place. The petition mentioned properties were allotted to the share of the petitioner. The petitioner now wants to settle the same in favour of his wife. Since the petitioner's sister gave objection, the registration could not take place. Refusal check slip was also issued. Challenging the same, the present writ petition has been filed.

2.Since the petitioner's sister (Chandra) has not been impleaded as the respondent in this writ petition, I am not in a position to quash the impugned refusal check slip. Instead I grant permission to the petitioner to re-present the document. The second respondent will receive the same. The second respondent will issue notice to the petitioner's sister (Chandra). Chandra will be given breathing time of seven weeks from the date of notice to obtain restraint order from the jurisdictional Civil Court. If Chandra is unable to obtain restraint order, the petition mentioned document shall be registered subject to fulfilment of other usual formalities. If Chandra obtains restraint order, the rights of the parties will abide by the outcome of the civil suit.



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3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

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

1.The District Registrar,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar,
Thirchuli,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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