



W.P(MD)No.17077 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17077 of 2024

and

W.M.P(MD)Nos.14694 & 14696 of 2024

Rajamani

... Petitioner

Vs.

The Sub Registrar,
Chettikulam SRO,
Madurai North.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the respondent under proceedings number RFL/Chettikulam (Madurai North)/103/2024, dated 22.07.2024 and to quash the same as illegal and further direct respondent to register the gift settlement deed executed by the petitioner in favour of her own son S.Poobesh Anand vide., gift deed dated 22.07.2024.

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.D.Farjana Ghoushia
Special Government Pleader



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ORDER

Heard both sides.

2.The petitioner has suffered paralysis. She is aged about 73 years. She wants to register the petition mentioned property in favour of his son. The parent document appears to be missing. On this ground, registration was refused. Challenging the refusal check slip, the present writ petition has been filed.

3.It has been held in W.P(MD)No.19745 of 2020 (Sivanadiyan Vs The Sub Registrar, Pudukottai District) dated 11.02.2021 that the registering authority ought not to insist the production of the original document.

4.In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be registered and released subject to the fulfilment of the other usual formalities.



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5.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Sub Registrar,
Chettikulam SRO,
Madurai North.



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G.R.SWAMINATHAN,J.

MGA

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