



W.P(MD)No.19038 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.19038 of 2022

S.Ramajeyam

... Petitioner

Vs

1. The District Registrar,
Dindigul.

2. The Sub - Registrar,
Sanappatti Register Office,
Ottasathiram Taluk,
Dindigul District.

3.S.Sumathi
*(*R3 impleaded by this Court vide order
dated 26.03.2024)*

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in REFUSAL NO; RFL SANARPATTI/9/2022 dated 03.08.2022 passed by the 2nd Respondent and



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quash the same as illegal and consequently direct the 2nd respondent to register the settlement deed and release the same within the time frame as fixed by this Court.

For Petitioner : Mr.A.Joseph Jerry

For R1 & R2 : Mr.D.S.Neduchezhian

Government Advocate

For R3 : Mr.V.Panirselvam

ORDER

Heard both sides.

2.The petitioner and the impleaded respondent/Sumathi are siblings. In the petition mentioned property, the writ petitioner has 1/6th undivided share. The said Sumathi has 6/4th share, another brother by name, Lajapathi is also having 1/6th share. Now the petitioner wants to settle his undivided 1/6 th share in favour of her adopted daughter namely Kaviya. When the document was presented for registration, the registering authority returned the same on the ground that the original document has not been produced. Challenging



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the refusal cheque slip, the present writ petition has been filed.

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3.It is not in dispute that the original document is in the custody of Sumathi. The purpose of calling upon the executant of the documents to produce the parent document is to assure oneself of title. The fact that the title document is with the third respondent indicates that there is no confusion regarding title.

4.A learned Judge of this Court had held that if the parent deed is with one of the co-sharers and if the said person declines to part with the same, the other co-sharers cannot be deprived of the right to deal with the property.

5.After all the petitioner only wants to settle her undivided 1/6th share to her adopted daughter. The impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. It shall be registered and released by the second respondent subject to the fulfilment of the usual formalities.



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6. With the above direction, this writ petition is allowed. No costs.

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(1/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

LR

Note: Issue order copy on 15.04.2024

To

1. The District Registrar,
Dindigul.

2. The Sub - Registrar,
Sanappatti Register Office,
Ottasathiram Taluk,
Dindigul District.



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G.R.SWAMINATHAN, J.

LR

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