



WP(MD). No.19494 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

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1.Nallammal
2.Manoharan

... Petitioners

Vs

The Sub Registrar,
Registration Department,
Chinnadarapuram, Aravakurichi,
Karur 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 relating to the Impugned Refusal Check Slip Number. RFL/Chinnadarapuram/15/2022 dated 13.04.2022 on the file of the Respondent herein, quash the same and consequently direct the respondent herein to register the Settlement Deed dated 13.04.2022 executed by the petitioners to and in favour of M.Sugirthi, within a stipulated period.

For Petitioners : M/s. Rajeshwaran K,

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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Challenge has been made to the impugned refusal check slip issued by the respondent herein and for a direction to the respondent herein to register the Settlement Deed dated 13.04.2022 executed by the petitioner to and in favour of M.Sugirthi, within a stipulated period.

2. The petitioners executed a settlement deed in favour of their daughter. When the same was presented for registration, the same has been refused to be registered citing the attachment orders passed in OS Nos.474/2013, 362/2014 and 364/2014 on the file of the Additional Sub Court, Karur.

3. In the matter, it is their stand that since there are attachment effected on the subject property at the instance of the Court orders, the refusal has been made.

4. The document sought to be executed is only a settlement deed. Attachment is of the year 2013 and 2014. Therefore, mere registering the document in the name of the petitioner's daughter will not give absolute



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title. Any transfer is subject to the attachment and the transfer will be void against the claims enforceable in the attachment. Since the transfer is always subject to the attachment, mere registering of the document will not take away the right of the persons, who got the order of attachment. Hence, the writ petition is allowed and the impugned order stands quashed and the respondent is directed to register the settlement deed within a period of seven days from the date of receipt of a copy of this order. No costs.

20.08.2024

RR

TO

1. The Sub Registrar,
Registration Department,
Chinnadarapuram, Aravakurichi, Karur District..



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N.SATHISH KUMAR,J

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