



W.P(MD)No.20263 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20263 of 2023

J.Mercy Papa

... Petitioner

Vs.

1.The District Registrar,
O/o The District Registrar,
Palaiyamkottai,
Tirunelveli District.

2.The Sub Registrar,
O/o Sub Registrar,
Thirurumkudi,
Nanguneri Taluk,
Tirunelveli.

3.J.Stephen Marshal

4.The Inspector of Police,
Thirukurungudi Police Station,
Thirukurungudi,
Tirunelveli District.

(R3 & R4 are impleaded vide order
dated 24.08.2023 in W.M.P.(MD)No.17001 of 2023)

... 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 connected impugned refusal order dated 21/07/2022 vide RFL/ Thirukurunkudi / Book 2 /1 on the file of 2nd Respondent and quash the same and further direct the 2nd Respondent and quash the same and further direct the



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2nd Respondent to complete Registration process and to hand over the original settlement deed dated 11.03.2022 to petitioner in the interest of justice.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.D.S.Nedunchezian
Government Advocate for R1 & R2

: Mr.R.Rajesh for R3

: Mr.A.Albert James
Government Advocate (Crl.side) for R4

ORDER

Heard both sides.

2. The petitioner's husband Jeyamani is no more. The petitioner has two children namely Stephen Marshal & Mervin. The petitioner and the children inherited the property from the late Jeyamani. The petitioner is having 1/3rd undivided share. She wants to settle the 1/3rd undivided share in favour of Mervin. When the settlement deed was executed and presented, for non-production of the original document and in view of the opposition from the other son, registration was refused. Challenging the same, the present writ petition came to be filed.

3. I am more than satisfied that the original document is in the custody of the third respondent namely Stephen Marhsal. It appears that there is some strain in the relationship between the mother and the son. The purpose of



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producing the original document is to assure oneself of title. Since the petitioner's title over 1/3rd share is beyond dispute, registration need not be refused.

4. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. The second respondent shall receive it and register it and release it subject to fulfilment of the other usual formalities.

5. The Writ Petition is disposed of accordingly. No costs.

27.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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Tirunelveli District.
- 2.The Sub Registrar,
O/o Sub Registrar,
Thirurumkudi,
Nanguneri Taluk,
Tirunelveli.
- 3.The Inspector of Police,
Thirukurungudi Police Station,
Thirukurungudi,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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