



W.P(MD)No.21692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21692 of 2024

Thangamal

... Petitioner

Vs.

The Sub Registrar of Registration,
Office of the Sub Registrar, Gangaikondan,
Tirunelveli 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 pertaining to the impugned proceedings dated 15.05.2024 made in RFL/Gangaikondan/45/2024 issued by the respondent herein and quash the same and with consequential direction, directing the respondent to register the family settlement deed dated 15.05.2024 presented by the petitioner and return the same to her.

For Petitioner : Ms.K.Gobika,
for M/s.Polax Legal Solutions
For Respondent : Mr.P.Subbaraj,
Special Government Pleader



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondent.

3.It is the case of the petitioner that the properties in Survey Nos.1397/1C, 1397/2B, 1398/1C and 1398/2A to an extent of 0.25.00 are situated at Shezhiyanallur Village, Manur Taluk, were purchased by the father-in-law of the petitioner. After his death, the petitioner and her husband were in possession and enjoyment of the same and patta also stands in the name of the petitioner's husband. After the death of her husband, the petitioner wanted to settle the properties in favour of her son, namely, Petchimuthu. Therefore, she presented the same for registration. However, the respondent, vide refusal check slip dated 15.05.2024, rejected the same, on the ground that the petitioner has not produced the death certificate and legal heir certificate of her father-in-law. Challenging the same, the petitioner has filed this Writ Petition.



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4. At the outset, this Court is of the view that when patta is stood in the name of the husband of the petitioner, which has also been produced along with the legal heir certificate for her husband, the document ought to have been registered and what is required is only a minimum enquiry with regard to the identity of the person. At the time of registration of the document, the Sub Registrar cannot decide the title. In such view of the matter, the impugned refusal check slip issued by the respondent dated 15.05.2024, is quashed and the respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. No costs.

11.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Sub Registrar of Registration,
Office of the Sub Registrar, Gangaikondan,
Tirunelveli District.



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N.SATHISH KUMAR, J

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