



WEB COPY



W.P.(MD)No.21725 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21725 of 2024
and
W.M.P.(MD)No.18340 of 2024

Manikandan

... Petitioner

Vs.

The Sub Registrar,
Thiruverumbur Sub Registration Office,
Trichy District.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip in RFL/Thiruverumbur/252/2024 dated 19.08.2024 issued by the respondent and quash the same as illegal and unconstitutional and consequently direct the respondent herein to register the settlement deed dated 19.08.2024 presented by the petitioner.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the Refusal RFL/Thiruverumbur/252/2024 dated 19.08.2024 on the file of the Respondent and and to direct the respondent to receive and register the settlement deed dated 19.08.2024 presented by the Petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the writ petitioner that the property in question belongs to one Mareeson, who executed a Will dated 10.10.2022 in favour of the petitioner. Thereafter, the petitioner executed a gift deed in favour of his wife. When the said gift deed was presented for registration, the same was refused to be registered on the ground that the Will dated 10.10.2022 is an unregistered document. Challenging the same, the petitioner has filed this Writ Petition.

4.This Court, in the case of ***Subramani vs. Office of Sub-Registrar, Rasipuram***, in W.P.No.11056 of 2024, dated 26.04.2024, has categorically held



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that refusals cannot be ordered automatically. Pursuant to the said judgment, a detailed circular was already issued by the Inspector General of Registration, Chennai, in Circular No.22482/C1/2022, dated 12.07.2024, and in spite of the said circular, the authorities had mechanically refused to register the document presented by the petitioner.

5.Considering the above settled position of law, this Writ Petition is allowed and the impugned order dated 19.08.2024 FRL/Thiruverumbur/252/2024 passed by the respondent stands quashed. The respondent is directed to register the settlement deed, dated 19.08.2024 executed in favour of the petitioner, within a period of one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

12.09.2024

NCC : Yes/No
Index : Yes/No
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To

The Sub Registrar,
Thiruverumbur Sub Registration Office,
Trichy District.



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N.SATHISH KUMAR, J.

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