



WP(MD). No.25617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.25617 of 2022

Anbarasu

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District..

2. Sub Registrar,
Office of the Sub Registrar,
Thirupathur, Sivagangai District..

... 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 refusal slip in RFL/Thirupathur-Karaikudi/56/2022 dated 31.10.2022 and quash the same as illegal and consequently direct the 2nd respondent to registered the gift deed of the petitioner dated 28.10.2022.

For Petitioner : M/s.Chandrapandi.V,
For Respondents : Mr.P.Subbaraj for R1 & R2
Special Government Pleader



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ORDER

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The writ petition has been filed challenging the impugned refusal slip dated 31.10.2022 and consequently direct the 2nd respondent to registered the gift deed of the petitioner dated 28.10.2022.

2. The case of the petitioner is that the subject property is his ancestral property and after the demise of his father and his mother, the property is in possession of the petitioner and his brothers under joint patta. In order to gift his share of properties to his sons, the petitioner executed a gift deed to his sons. When the same was presented for registration, the same has been refused to be registered on the ground that the title of the property has not been properly showed and no documents are provided to show the legal heirship of the deceased mother.

3. I have considered the rival submissions and perused the materials available on record.

4. It is to be seen that the impugned order of refusal shows that the 2nd respondent has in fact gone into the issue of title. When the revenue



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records stand in the name of the petitioner, the 2nd respondent cannot go into the issue of title and nature of shares in the joint family properties. It is for the other family members to question the same. When the petitioner's name is also found in the revenue records insisting the other details and deciding the title is not warranted. The 2nd respondent at the most can verify/enquire about the identity of the person under Section 34 of the Registration Act.

5. In view of the above, the writ petition is allowed and the impugned order is set aside and the 2nd respondent is directed to register the document within a period of 15 days from the date of receipt of a copy of this order. No costs.

04.09.2024

NCC : Yes/No
Index : Yes/No
RR



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TO
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1. The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District..
2. Sub Registrar,
Office of the Sub Registrar,
Thirupathur, Sivagangai District..



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N.SATHISH KUMAR,J

RR

**ORDER
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Date : 04/09/2024