



W.P.(MD)No.25012 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.25012 of 2024

Muthuselvi

... Petitioner

/Vs./

The Sub-Registrar
Kadayanallur,
Tenkasi District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the respondent in Refusal Number.RFL/Kadayanallur/58/2024, dated 08.10.2024 and quash the same as illegal, consequently direct the respondent to register the settlement deed, dated 08.10.2024 presented by the petitioner for registration within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.D.Sadiq Raja

Additional Government Pleader



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ORDER

This writ petition has been filed challenging the order passed by the respondent, dated 8.10.2024 thereby issued the refusal check slip on the settlement deed presented for registration.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The property comprised in Survey No.781/2 with an extent of 69 cents, Survey No.781/3 with an extent of 44 cents, Survey No.781/4 with an extent of 24 cents, Survey No.781/5 with an extent of 22 cents, Survey No.781/6 with an extent of 25 cents, Survey No.781/7 with an extent of 70 cents, Survey No.781/11 with an extent of 92 cents, Survey No.781/12 with an extent of 1 acre 6 cents, Survey No.781/13 with an extent of 52 cents and Survey No.781/14 with an extent of 76 cents all situated at Chokkampatti Village was actually possessed and enjoyed by her father-in-law namely Puthiya Thevar. The total extent of the above properties is 5 acre 70 cents. After his demise, the property devolved upon among his



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4 sons alone, since his two daughters relinquished their right. Thereafter, her husband executed a registered settlement deed in favour of the petitioner in respect of his 1/4th share in the said property to an extend of 1 acre 42.5 cents. Thereafter, the petitioner executed a settlement deed in favour of her brother on 8.10.2024 and presented for registration. However, it was rejected on the ground that there is a double entries in respect of subject properties. When there is a double entry in respect of very same property as per the circular issued by the Inspector General of Registration, the said property cannot be registered. While pending writ petition, the counter part is also objected the registration of the settlement deed executed by the petitioner in favour of her brothers. However, the objectors did not file any petition to implead themselves in this writ petition.

4. In view of the above, the objectors are at liberty to submit their objections before the respondent within a period of two weeks from the date of receipt of a copy of this order with regard to the registration of the settlement deed in favour of the petitioner's brother. On receipt of the same, the respondent is directed to issue notice to the petitioner as well



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as the objectors and after giving opportunity of hearing and to conduct an enquiry, pass orders on the registration of the settlement deed within a period of four weeks thereafter.

5. With the above direction, the writ petition stands disposed of. It is made clear that if the objectors failed to raise any objections, the respondent is directed to register the settlement deed on its presentation by the petitioner and release the document in favour of the petitioner. No costs.

05.11.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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TO:-

The Sub-Registrar
Kadayanallur,
Tenkasi District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
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Dated:
05.11.2024