



W.P.(MD)No.24917 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24917 of 2024

S.Saroja

. . . Petitioner

Vs.

The Sub Registrar,
Andipatti Sub Registration Office,
Theni District.

... Respondent

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 pertaining to the impugned refusal check slip bearing refusal number: RFL/Andipatti/39/2024 dated 28.03.2024 and quash the same as illegal and consequently direct the respondent to register the Joint Settlement Deed dated 28.03.2024 in our favour pertaining to the landed property comprised in Survey No.1462/4D measuring 0.9.30 hectares equaling to 23 cents located at Kovilpatti Village, Andipatti Taluk, Theni District within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.B.Arun
For Respondent : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

Challenging the refusal check slip issued by the respondent, this writ petition has been filed.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that when she presented the settlement deed for registration in respect of 0.9.30 hectare (23 cents) landed property situated in Kovilpatti Village, Aundipatti Taluk, Theni District, specifically the southern side of the upper part of Survey No. 1462/4D, the same was refused to register on the ground that the petitioner obtained preliminary decree only in respect of 1/8th share in the suit property and further, in respect of suit property, already three settlement deed were registered. Therefore, unless the partition is effected, the property cannot be registered. Aggrieved by the same, the petitioner is before this Court.



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4. The learned counsel for the petitioner brought to the notice of this Court that final decree in respect of the subject property has already been passed on 10.01.2020 in O.S.No.150 of 2007 by the learned District Munsif cum Judicial Magistrate, Andipatti and the Advocate Commissioner's report and plan dated 20.11.2019 has also been produced before this Court.

5. A perusal of the final decree and Advocate Commissioner's report enclosed in the typed set of paper, it shows that 0.9.3 ares on the southern side in S.No.1462/4D is allotted to the petitioner. When the petitioner presented the deed in respect of the same property, it is for the registering authority to register the same. Accordingly, the impugned refusal check slip in RFL/Andipatti/39/2024, dated 28.03.2024 is hereby set aside the this Writ Petition is allowed. The respondent is directed to register the document presented by the petitioner as per the decree passed by the competent civil Court, within a week from the date of receipt of a copy of this order. No costs.

22.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

To
The Sub Registrar,
Andipatti Sub Registration Office,
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