



W.P.(MD)No.25505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25505 of 2024
and
W.M.P(MD).No.21638 of 2024

1.P.Chellam

2.E.Amutha

3.S.Geetha

4.Thiruvvasugi

... Petitioners

Vs.

The Sub Registrar,
Paramakudi Sub Registrar Office,
Registration Department,
Paramakudi, Ramanathapuram 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 in RFL/Paramakudi/31/2024 dated 15.10.2024 passed by the respondent and quash the same as illegal, consequently directing her to register the settlement deed dated 15.10.2024 executed by the first petitioner in favour of his wife.



WEB COPY



W.P.(MD)No.25505 of 2024

For Petitioner : Mr.A.Abdulkabur
For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

Challenge has been made to the impugned refusal check slip issued by the respondent.

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

3. According to the petitioners, the property in Door No.3/844 situated at Bharathi Nagar, Paramakudi Town, originally belonged to the mother of the petitioners. Their mother executed a Will dated 20.02.2019, bequeathing the property in question in favour of the first petitioner, which was not disputed by the petitioners 2 to 4. Therefore, the 1st petitioner became the absolute owner of the property in question. He decided to execute a gift settlement deed in favour of his wife in respect of the property in question. Therefore, he presented the gift deed on 15.10.2024 before the respondent for registration. However, the respondent, vide refusal check slip dated 15.10.2024, refused the same



W.P.(MD)No.25505 of 2024

on the ground that patta has not been produced. Challenging the same, the petitioners have filed this Writ Petition.

4. The learned counsel appearing for the petitioners would submit that in respect of the property in question, town survey number alone is granted and the petitioner is also paying tax for the property in question and has annexed tax receipts in the typed set of papers. Therefore, insisting patta does not arise at all.

5. The learned Government Advocate appearing for the respondents would fairly submit that town survey number alone is granted to the property in question and therefore, there is no necessity to issue patta.

6. In view of the said submission, this Court is of the view that when the title is not disputed and the 1st petitioner is in possession of the property in question, insisting patta for registration does not arise at all. What is required to be seen is only the identity of the person, who is executing the document. When the petitioner has title to the property and



W.P.(MD)No.25505 of 2024

he claims title on the basis of the Will executed by his mother, the registering authority ought to have registered the document. In such view of the matter, the impugned order of the respondent is quashed and this Writ Petition is allowed with a direction to the respondent to register the document presented by the 1st petitioner within a period of one week from the date of receipt of a copy of this order. No costs.

29.10.2024
(2/2)

Index : Yes / No
NCC : Yes / No
Rmk

To

The Sub Registrar,
Paramakudi Sub Registrar Office,
Registration Department,
Paramakudi, Ramanathapuram District.



WEB COPY



W.P.(MD)No.25505 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P.(MD)No.25505 of 2024

**29.10.2024
(2/2)**