



W.P.(MD)No.27663 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.11.2024**

CORAM:

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

W.P.(MD)No.27663 of 2024

Abdul Subahan

... Petitioner

/Vs./

The Sub Registrar
Aruppukottai,
Virudhunagar District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the Impugned Refusal Check Slip dated 24.10.2024 in RFL/Aruppukottai/36/2024 on the file of the respondent and quash the same and further directing the first respondent to register the settlement deed dated 22.10.2024 executed by the petitioner.

For Petitioner : Mr.S.Selva Aditya

For Respondent : Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the respondent dated 24.10.2024, thereby, refused to register the settlement deed dated 22.10.2024 on the ground that the counter party is also claiming title over the subject property.



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

3. The petitioner owned property comprised in old T.S.No.23, T.S.No.23/2, and 23/3, Ward A, Block 21, Aruppukottai Town, Virudhunagar District to an extent of 1598.5 sq.ft.. In respect of the subject property, along with the other property already suit was filed for partition in O.S.No.306 of 2004 by one Asma Beevi on the file of the Principal District Munsif, Aruppukottai, in which, the petitioner and the counter party to the present proceedings, viz., Samarnisha, were the defendants. Subsequently, the said suit was dismissed. Now, the petitioner had settled the subject the property in favour of his son by the settlement deed dated 22.10.2024 and presented for registration. However, it was refused to register by the respondent on the ground that the counter party, viz., Samarnisha, submitted objection, saying that she is also having title over the subject property, since she was the one of the defendants in the suit filed for participation by one Asma Beevi. The dismissal of the partition suit could not amount to declaration of title in



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favour of the objector, viz., Samarnisha, whereas, the petitioner derived the title over the subject property through his ancestral property and the petitioner has also issued patta, whereas, the counter party – Samarnisha did not produce any document, she is having title over the property, except mere objection.

4. It is settled law that mere objection by the third party cannot be a ground to stall the registration process. In view of the above, the refusal check slip issued by the respondent dated 24.10.2024, cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner is directed to re-present the settlement deed for registration before the respondent. On receipt of the same, the respondent is directed to register and release the same forthwith.

5. With the above direction, this Writ Petition is allowed.

No costs.

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Internet : Yes/No
NCC : Yes / No
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

LS

TO:-

The Sub Registrar
Aruppukottai,
Virudhunagar District.

Order made in
W.P.(MD)No.27663 of 2024

Dated:
27.11.2024