



W.P (MD).No.28223 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

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

W.P (MD).No.28223 of 2024

and

W.M.P(MD)No.23939 of 2024

T.Henry Backiaraj

...Petitioner

Vs.

- 1.The State of Tamilnadu Rep. by its,
Inspector General,
Department of Registration,
No.100, Santhome High Road,
Chennai-28.
- 2.The Deputy Inspector General of Registration,
Department of Registration,
Othakadai,
Madurai.
- 3.The District Registrar (Administration),
Department of Registration,
IInd Floor, Tahsildar Office Complex,
Palani, Dindigul District.
- 4.The Sub-Registrar,
O/o.The Sub-Registrar,
Nagalnayakkampatti,
Dindigul District.
- 5.C.Santhi

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Number RFL/Nagalnayakkampatti/107/2024 dated 08.11.2024 passed by the fourth respondent and quash the same as illegal and consequently direct the respondents to permit the petitioner to execute any transaction like sale, gift, mortgage, lease etc., with regard to his properties in survey number 120(Patta NO.3333) in an extent of 25 Ares (61.75 cents) situated at Pillaiyarnatham Village, Aathoor Taluk, Dindigul District.

For Petitioner : Mr.T.Thirumurugan
For R1 to R4 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the fourth respondent dated 08.11.2024 thereby refused to register the settlement deed executed by the petitioner in favour of his wife in respect of the property comprised in S.No.120 in Patta No.3333 to an extent of 25 Ares (61.75 cents) situated at Pillaiyarnatham Village, Aathoor Taluk, Dindigul District.

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



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3. The property comprised in S.No.120 in Patta No.3333 to an extent of 25 Ares (61.75 cents) situated at Pillaiyarnatham Village, Aathoor Taluk, Dindigul District belonged to one Engammal and Radha by way of Will executed by one Govindarajan. They were issued with Patta No.1477 for the total extent of 1.23.5 ares situated at Pillaiyarnatham Village, Aathoor Taluk, Dindigul District. Thereafter, the said Radha had executed the settlement deed in favour of his grand-son namely Sujith, S/o.Sasikumar vide document No. 2972 of 2024, dated 23.05.2024. In turn, the said Sujith had executed the sale deed in favour of the petitioner by the sale deed dated 28.05.2024 under document No.3075 of 2024 to an extent of 25 ares. In turn, the petitioner intended to settle the property in favour of his wife and executed the settlement deed dated 28.10.2024 and presented the same for registration before the fourth respondent. However, on the objections raised by the fifth respondent, the fourth respondent refused to register the settlement deed. Though notice was served on the fifth respondent, no one appeared before this Court today either in person or through pleader.

4. On perusal of the records it is revealed that totally 50 ares comprised in Survey No.120 situated at Pillaiyarnatham Village, Aathoor Taluk, Dindigul District was owned by one Engammal and Radha. The said



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Radha executed a settlement deed in favour of his grand-son to an extent of 25 ares. Therefore, the fifth respondent has no title over the property.

5. In view of the above, this Court finds infirmity in the order passed by the fourth respondent, dated 08.11.2024 and it cannot be sustained and liable to be quashed.

6. Accordingly, the order of the fourth respondent dated 08.11.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the settlement deed executed in favour of his wife for registration. On receipt of the same, the fourth respondent is directed to register the settlement deed and release the document forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

11.12.2024



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WEB COPY

To

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G.K.ILANTHIRAIYAN, J.

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