



W.P.(MD)No.28619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28619 of 2024

Lakshmanan

...Petitioner

-Vs-

The Sub Registrar,
Nagalnayakanpatti Sub Registration Office
Dindigul District.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to receive and register the settlement deeds dated 07.10.2024 executed by the Petitioner in favour of his daughters within the time frame as fixed by this Court.

For Petitioner : Mr.A.Sheik Nasurdeen

For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondent to receive and register the settlement deed dated 07.10.2024 which was executed by the petitioner in favour of his daughters.



W.P.(MD)No.28619 of 2024

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2.The property comprised in old T.S.No.766, New T.S.No.766/2 measuring 553 sq.ft. at Door No,9 situated at Kaliyamman Kovil Street, Nagal Nagar, 6th Ward, Dindigul Town, Dindigul and in Old T.S.No.37/2, New T.S.No.37/1A, measuring 796 sq.ft at Door No.6/129/1 situated at Bharathipuram, 6th Ward, Dindigul Town, Dindigul District. The property comprised in old T.S.No.766 is concerned, it was jointly purchased by the petitioner and his brothers by a registered sale deed dated 27.10.1975 vide document No.1706 of 1975. In so far as, the property comprised in old T.S.No. 37/2 is concerned, it was originally purchased by his father by a registered sale deed dated 01.09.1945 vide document No.3458 of 1945, and after his demise, the petitioner and his brothers have derived title over the property. Thereafter, they have orally partitioned the properties and in respect of the subject property, it was allotted in favour of the petitioner.

3.After partition, the petitioner has mortgaged the subject property and availed loan by registering mortgage deed dated 31.03.1998 vide document No. 1362 of 1998. Thereafter, for repayment of the entire loan, the petitioner has also redeemed the property on 20.04.1999 vide registered document No.932 of 1999. Thereafter, the petitioner has executed the settlement deed in favour of



W.P.(MD)No.28619 of 2024

the petitioner's daughter. However, it was refused to receive by the respondent, since there was no registered partition and the subject property has been divided by the petitioner by oral partition.

4.In view of the above, the petitioner is directed to present the settlement deed and on receipt of the same, the respondent is directed to register the same, if it is otherwise in order.

5.With the above said directions, this writ petition stands disposed of. No costs.

02.12.2024
1/4

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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W.P.(MD)No.28619 of 2024

G.K.ILANTHIRAIYAN. J,

RJR

To

The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office
Dindigul District.

W.P.(MD)No.28619 of 2024

02.12.2024

1/4