



W.P (MD).No.28350 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

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

W.P (MD).No.28350 of 2024

D. Muthuraja

... Petitioner

Vs.

The Sub-Registrar
Samanatham,
Nedungulam Road,
Samanatham Vilaku,
Madurai South Taluk,
Madurai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, by directing the respondent to register the Gift Settlement deed in favour of petitioners wife name for the property in old S.No. 75/1 new S.No.75/28A measuring to an extent 33 cents land out of 9 Acres 5 cents situated at viraganur village, Madurai South taluk, Madurai District, based on the representation dated 21.11.2024 within a specific period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondent to register the gift settlement deed in favour of petitioner's wife



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name for the property in old S.No.75/1 new S.No.75/28A measuring to an extent 33 cents land out of 9 Acres 5 cents situated at Viraganur village, Madurai South Taluk, Madurai District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. In pursuant to the very same property, already the petitioner filed a writ petition before this Court in W.P.(MD)No.21299 of 2023, challenging the check slip issued by the registering authority dated 25.08.2023, thereby, refused to register the settlement deed dated 25.08.2023. This Court by order dated 26.09.2023 directed the petitioner and obtained patta in the very same subject property, in order to register the settlement deed. However, without obtaining patta, the petitioner subsequently executed a Will in favour of his wife and got registered vide document No.1/2024. However, sofar, the petitioner did not obtain any patta in respect of the subject property. Therefore, without complying the order passed by this Court dated 26.09.2023 in W.P.(MD)No.



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21299 of 2023, the settlement deed executed by the petitioner in favour of his wife in respect of the very same property cannot be registered.

5. In view of the above, the prayer sought for by the petitioner cannot be considered and this Writ Petition is liable to be dismissed and accordingly, dismissed. No costs.

Internet : Yes
Index : Yes/No
NCC : Yes/No
LS

29.11.2024

To

The Sub-Registrar
Samanatham,
Nedungulam Road,
Samanatham Vilaku,
Madurai South Taluk,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

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