



W.P.(MD)No.29619 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.29619 of 2023

and

W.M.P(MD).No.25554 of 2023

Thalavaipandi

... Petitioner

Vs.

The Sub Registrar,
Veeravanallur,
Tirunelveli 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 orders passed by the respondent in his proceedings Refusal No.RFL/VAdakku Veeravanallur/84/2023 dated 30.10.2023 and quash the same and consequently direct the respondent to register the gift deed executed by the petitioner on 30.10.2023 which was refused by the respondent in his proceedings in Refusal No.RFL/Vadakku Veeravanallur/84/2023 dated 30.10.2023.

For Petitioner : Mr.N.Sankar Ganesh

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This writ petition has been filed to quash the impugned Refusal check slip in No.RFL/VAdakku Veeravanallur/84/2023 dated 30.10.2023 issued by the respondent with consequential direction to the respondent to register the gift deed executed by the petitioner on 30.10.2023.

2. It is the case of the petitioner that when he presented the settlement deed executed in favour of his daughter for registration, the same was refused by the registering authority on the ground that separate patta has not been issued.

3. Heard both sides and perused the materials available on record.

4. At the outset, this Court is of the view that merely because there is a joint patta, the document cannot be refused to be registered. It is for the other pattadars, whose name are shown in the patta, to challenge the execution. It is normal in the village that to place the other joint owners' in the patta before sub division. When the petitioner's name is shown in the patta and no challenge has been made over the same, the settlement



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executed by the petitioner in respect of his share alone, cannot be refused to be registered and the impugned refusal check slip issued by the respondent cannot be sustained in the eye of law.

5. Accordingly, the impugned refusal check slip issued by the respondent in Refusal No.RFL/Vadakku Veeravanallur/84/2023 dated 30.10.2023 is hereby quashed and this Writ Petition is allowed. The respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

17.10.2024

Index : Yes / No
NCC : Yes / No
Rmk

To

The Sub Registrar,
Veeravanallur,
Tirunelveli District.



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N.SATHISH KUMAR, J.

Rmk

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