



W.P.(MD).Nos.29511 and 29512 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).Nos.29511 and 29512 of 2023

W.P.(MD).No.29511 of 2023

M.Muthulakshmi

... Petitioner

Vs.

1.The District Registrar,
Dindigul,
Dindigul District.

2.The Sub-Registrar,
Vedasandur,
Dindigul District.

... Respondents

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 relating to the impugned proceedings of the 2nd respondent in Refusal Check Slip in RFL/Vedasandur/170/2023 dated 07.12.2023 and quash the same and further directing the 2nd respondent to entertain the sale deeds dated 01.12.2023 for registration and consequently to register and release the same.

W.P.(MD).No.29512 of 2023

M.Muthulakshmi

... Petitioner

Vs.



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1.The District Registrar,
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2.The Sub-Registrar,
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For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.C.Satheesh

Government Advocate
(In both Writ Petitions)

COMMON ORDER

Heard both sides.

2. The petitioner executed the petition mentioned sale deeds in favour of one Kavitha conveying the land in Survey No.528/1 and Survey No.529/1. The registering authority declined to register the documents on the ground that the petitioner's father-in-law Sakthivel is still having share in the said properties.



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Challenging the stand of the registering authority, the present Writ Petition came to be filed.

3. I went through the contents of the documents. The petitioner's father-in-law had a strained relationship with his wife. He therefore executed a settlement deed dated 01.03.2011 in favour of his wife, Ponnammal @ Perumalakkal and son, Murugaraj. The said Murugaraj is none other than the husband of the petitioner herein. The petition mentioned lands are set out in the schedule. It is obvious that Sakthivel had divested himself from all his rights and shares in the aforesaid two items. On the same day, a release deed was also executed by Ponnammal @ Perumalakkal and Murugaraj stating that apart from the settled properties, they will not have any claim whatsoever. In the release deed, the schedule mentioned properties have been set out. This has been utterly misunderstood by the registering authority. When Sakthivel had given up his right and share in Survey Nos.528/1 and 529/1, the question of associating him further in any transaction does not arise at all.

4. The learned counsel for the petitioner states that Ponnammal @ Perumalakkal is no more and she had executed a Will dated 14.06.2011 in favour of her son, Murugaraj. Since Murugaraj is no more, the share of



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Ponnammal @ Perumalakkal in the petition mentioned properties has also devolved on the petitioner, Muthulakshmi and her son.

5. In this view of the matter, the impugned refusal check slips are set aside. The petitioner is permitted to re-present the sale deeds in question before the registering authority. The documents shall be registered and released subject to the fulfilment of other usual formalities.

6. Accordingly, the Writ Petitions are allowed. There shall be no order as to costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The District Registrar,
Dindigul,
Dindigul District.

2.The Sub-Registrar,
Vedasandur,
Dindigul District.



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G.R.SWAMINATHAN, J.

Lm

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