



W.P.(MD)No.29941 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.29941 of 2023

S.Barakath Nisha

... Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Tirunelveli District.

2.The Sub Registrar,
O/o.Melappalayam Sub Registrar,
Melappalayam,
Palayamkottai,
Tirunelveli District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal order in RFL/Melapalayam/44/2023 dated 26.06.2023 issued by the 2nd respondent and set aside the same and further to direct the 2nd respondent to register the petitioner's Gift settlement Deed dated 20.06.2023 on the file of the 2nd respondent.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.C.Satheesh,
Govt. Advocate



W.P.(MD)No.29941 of 2023

ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal order in RFL/Melapalayam/44/2023 dated 26.06.2023 issued by the 2nd respondent and set aside the same and further to direct the 2nd respondent to register the petitioner's Gift settlement Deed dated 20.06.2023 on the file of the 2nd respondent.

2. It is the grievance of the Writ Petitioner that when the petitioner presented a gift settlement deed for registration, the same was refused to be registered on the ground that by following the parent document, two documents viz., Doc.Nos.598/1903 and 156/1910 have already been registered. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the reason assigned in the impugned order is not sustainable in the eye of law for the simple reason that the document referred in the impugned order viz., Doc.No. 598/1903 relates to S.No.507/B alone, but the subject property relates to S.No.



W.P.(MD)No.29941 of 2023

507/1B. That apart, Doc.No.156/1910, relates to the property situated in Thiruvananthapuram Village, Pottal Pacheri. Whereas the subject property relates to Kelaveeraraghavapuram Village. The survey number and the location of the properties are also different. Therefore, the impugned order is liable to be quashed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the document presented by the petitioner cannot be refused to be registered on the ground that some documents have been registered 100 years back. Further, whether a person, who registered the documents, is in possession or not is also to be seen and established later in the manner known to law. Further, when the survey number and the village are different in those documents, the same cannot be put against the petitioner, when the petitioner presented a document for registration, based on the earlier title deed. Hence, the impugned order is liable to be quashed.



W.P.(MD)No.29941 of 2023

6. Accordingly, this Writ Petition is allowed and the impugned refusal check slip issued by the 2nd respondent dated 26.06.2023 is quashed. The 2nd respondent is directed to register the petitioner's gift settlement deed dated 20.06.2023, within a period of seven days from the date of receipt of a copy of this order. There shall be no order as to costs.

18.10.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.29941 of 2023

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- To
- 1.The District Registrar,
O/o.The District Registrar,
Tirunelveli District.
 - 2.The Sub Registrar,
O/o.Melappalayam Sub Registrar,
Melappalayam,
Palayamkottai,
Tirunelveli District.



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W.P.(MD)No.29941 of 2023

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.29941 of 2023

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