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W.P.No.33 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33 of 2025

Sulochana

.... Petitioner

Vs

The Sub Registrar
Ambur,
Thirupathur District.

.... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to Refusal Check - Slip dated 08.10.2024 in RFL/ Ambur/153/2024 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 07.10.2024 presented by the petitioner.

For Petitioner : Mr.R.Sunilkumar

For Respondent : Mr.C.Satish
Government Advocate



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ORDER

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This writ petition has been filed for the following relief:

“Praying to call for the records relating to Refusal Check - Slip dated 08.10.2024 in RFL/ Ambur/153/2024 issued by the respondent and quash the same and consequently direct the respondent to register the settlement deed dated 07.10.2024 presented by the petitioner”.

2. The agricultural land, measuring an extent of 49 ares comprised in S.No.12/5 situated at Kilmurungai Village, Ambur Taluk, Thirupathur District, was the ancestral property of the petitioner's husband. After life time of her father-in-law, the property devolved on her husband N.Ramamoorthy, who passed away on 09.01.2011. He had died leaving behind the petitioner and his three children, viz., Prem Kumar, Priya and Praveena as his surviving legal heirs. After the death of the petitioner's husband, the patta in respect of land had been mutated in the names of the petitioner and her children. Thereafter, in a family arrangement, her children had decided to settle the property in favour of the petitioner and her elder daughter viz., Priya. Accordingly, the other



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two children had executed a settlement deed on 07.10.2024 and presented the same for registration before the respondent. However, the same was rejected with an endorsement that there were two Court attachment orders passed by the District Munsif Court, Ambur and the existence of the sale agreement.

3. Thereafter, the petitioner had collected the details and came to know that two money suits had been filed by one N.Thanikachalam, the proprietor of Lakshmi Traders of Vellore, against the petitioner's husband for recovery of money. An ex-parte decree was passed and there was an attachment on the subject property. During the life time of the petitioner's husband, on coming to know about the decree and attachment, he had settled the decree amounts with the plaintiff N.Thanikachalam and the execution proceedings initiated by the said N.Thanikachalam in E.P.No.16 of 2012 in O.S.No.275 of 2009 was terminated as settled out of Court on 05.11.2014. Therefore, the attachment had come to an end. The petitioner, on coming to know about the reason for refusal, had also submitted an affidavit and also taken out



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the application in the execution proceedings to record full satisfaction.

The said N.Thanikachalam had also taken out an application for the very same attachment.

4. Though the application has been filed, the same was numbered and posted for hearing on 16.12.2024. Since the provisions of Section 23 of the Registration Act, mandates that the documents should be registered with a period of four months from the date of execution, the respondent is in a hurry and there is an urgency for getting the settlement deed executed. Therefore, the petitioner is before this Court.

5. Heard, Mr.R.Sunilkumar, learned counsel appearing for the petitioner and Mr.C.Satish, learned Government Advocate, takes notice on behalf of the respondent and perused the records.

6. A perusal of the records would indicate that the said registration was refused on the ground that there is an order of attachment. From the averments and documents, it is clear that the decree has been



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fully satisfied and the plaintiff/decreed holder has also filed an application before the District Munsif Court, Vellore in O.S.No.277 of 2009 to raise the order of attachment and has also filed a full satisfaction memo. Therefore, the impediment for the registration is no longer in existence.

7. Therefore, the impugned Refusal Check Slip dated 08.10.2024 in RFL/Ambur/153/2024 issued by the respondent is hereby set aside and direction is issued to the respondent to register the document within a period of two weeks from the date of re-presentation by the petitioner.

8. With the above direction, this writ petition stands allowed.

No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

The Sub Registrar
Ambur,
Thirupathur District.



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P.T. ASHA, J,

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