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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3382 of 2025

A.Padmavathi

... Petitioner

Vs.

1.The District Registrar,
Gobichettipalayam,
Erode District – 638 452.

2.The Sub Registrar,
Sathiyamangalam Sub Registrar Office,
Gobichettipalayam Taluk,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip of the 2nd Respondent in Refusal No.RFL/Sathiyamangalam/5/2025 dated 13/01/2025 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent S.R.O.Sathiyamangalam, Erode District to Register the Gift Settlement Deed dated 13/01/2025 presented for Registration in Pre-Registration Token Receipt No.TP/206914058/2025 dated 11/01/2025 within a stipulated time as fixed by this Court.



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For Petitioner : Mr.N.Vijaya Baskar

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 2nd respondent dated 13.01.2025, wherein, the Settlement Deed that was presented for registration before the 2nd respondent was refused to be registered on the ground that Rule 55A of the Registration Rules, 1949 was not satisfied.

2.Heard Mr.N.Vijaya Baskar, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of respondents 1 & 2.

3.The petitioner is claiming right over the subject property by virtue of an unregistered Will executed by her grandfather dated 31.08.2012. The petitioner wanted to execute a Gift Settlement Deed in favour of her husband and accordingly, the document was prepared dated 13.01.2025. When the same was presented before the 2nd respondent, the 2nd respondent has refused to register the document on the ground that Rule 55A of the Registration Rules, 1949 has not been satisfied.



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4. In the considered view of this Court, it will suffice if the petitioner produce the Will dated 31.08.2012 which is relied upon by the petitioner and which is said to have been executed by the grandfather in favour of the petitioner. On such production, the 2nd respondent shall register the Settlement Deed executed by the petitioner in favour of her husband, if is otherwise in order.

5. This writ petition is allowed with the above directions. No Costs.

04.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The District Registrar,
Gobichettipalayam,
Erode District – 638 452.



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N. ANAND VENKATESH, J.

SSI

2.The Sub Registrar,
Sathiyamangalam Sub Registrar Office,
Gobichettipalayam Taluk,
Erode District.

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