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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 4978 of 2025

Jamaluddin

Petitioner(s)

Vs

1. The Sub-register
Sirupakkam Sub Register Office
Chinnasalem Taluk,
Kallakurichi District

2.Fathima Bebe

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Refusal No. RFL / Sirupakkam / 95 / 2024 dated 23-10.2024 passed by the 1st Respondent and to quash the same as illegal, incompetent and ultra virus and consequently direct the Respondent to register and release the Settlement deed dated 23.10.2024 to the petitioner.



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For Petitioner(s): Mr.V.Gunasekar

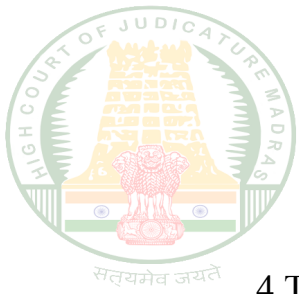
For Respondent(s): Mr.K.Karthick Jagannath
Government Advocate for R1

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the 1st respondent dated 23.10.2024 and for a consequential direction to the 1st respondent to register the Settlement Deed dated 23.10.2024, executed by the petitioner in favour of his wife.

2.Heard Mr.V.Gunasekar, learned counsel appearing on behalf of the petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing on behalf of the 1st respondent.

3.The refusal Check Slip has been issued by the 1st respondent mainly on the ground that the petitioner has executed a Settlement Deed for the entire property and whereas, the petitioner is only entitled for half share in the property.



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4. The learned counsel for the petitioner brought to the notice of this Court the suit filed by the petitioner in O.S.No.895 of 2022 against the 2nd respondent and one Kamurunisha seeking for the relief of declaration of title and permanent injunction for the entire property. This suit was decreed by the Principal Sub Court, Kallakurichi by judgement and Decree dated 14.08.2024. The learned counsel further submitted that the patta stands in the name of the petitioner for the entire property in Patta No.107. In view of the same, it was contended that the 1st respondent should not have gone into the title to the property.

5. In the considered view of this Court, considering the materials placed before this Court and also taking note of the latest judgement of the Apex Court in ***K.Gopi vs. Sub Registrar and others*** reported in ***2025 2 CTC 777***, wherein, the Apex Court held that Rule 55(A)(1) of the Registration Rules is ultra vires Section 69 of the Act and that the registering authority should not go into the title of the property, this Court is inclined to interfere with the impugned refusal Check Slip dated 23.10.2024 issued by the 1st respondent and the same is hereby



quashed. There shall be a direction to the 1st respondent to entertain the Settlement Deed and register the same, if it is otherwise in order.

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6. In the result, this writ petition stands allowed with the above directions.

No Costs.

22-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



To
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The Sub-register
Sirupakkam Sub Register Office
Chinnasalem Taluk,
Kallakurichi District



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N.ANAND VENKATESH J.

SSR

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