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W.P.No.6025 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.6025 of 2025

Saravanan

... Petitioner

Vs.

1. The Sub-Registrar,
Sub Registrar Office,
Pachaiamman Nagar, Kupbandapalayam,
Ernapuram Village, Edappaid Road,
Magudanchavadi, Sankagiri TK,
Salem District.

2. Chandra

3. K.Suguna

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records of the 1st respondent pertaining to the Refusal Check Slip in refusal number RFL/ Magudanchavadi/ 384/2024 dated 09.12.2024 and to quash the same as illegal, incompetent and ultravires and consequently direct the first respondent to register the Settlement Deed dated 09.12.2024 presented by the petitioner and pass such further or other orders as this Hon'ble Court may deem fit.



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For Petitioner : M/s.Radhika Boopathi

For R1 : Mr.K.Karthick Jagannath,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 09.12.2024 issued by the first respondent and for a consequential direction to the first respondent to register the Settlement Deed dated 09.12.2024 wherein the petitioner wanted to settle his 1/3rd share in the subject property in favour of the third respondent.

2. Heard M/s.Radhika Boopathi, learned counsel for the petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing for the first respondent.

3. The refusal check slip has been issued by the first respondent mainly on the ground that the entire property has been settled by the second respondent in favour of the third respondent through registered Document No.304 of 1995. When this document is in force, the petitioner was attempting to settle 1/3rd share in the property. This document was refused to



be registered since the entire property has been dealt with in the earlier document that was registered in the year 1995.

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4. The learned counsel for the petitioner submitted that the share belonging to the petitioner cannot be dealt with by the second respondent and to that extent, the Settlement Deed is not binding on the petitioner. If the share belonging to the petitioner has also been dealt with when the petitioner was a minor, such a transaction is voidable insofar as the petitioner is concerned and unless the petitioner questions the same and gets a declaration, there cannot be a presumption that the petitioner is not bound by such a document. Till the earlier document which was registered as Document No.304 of 1995 is in force, the petitioner cannot deal with any share in the property and present the document for registration.

5. In view of the above discussion, it is left open to the petitioner to question the Settlement Deed registered as Document No.304 of 1995 in the manner known to law. Depending upon the result, the petitioner can thereafter, deal with his share in the property and present the document for registration. Except giving this clarity and liberty, no further orders can be



passed in this writ petition.

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6. This writ petition is disposed of in the above terms. No costs.

25.02.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The Sub-Registrar,
Sub Registrar Office,
Pachaiamman Nagar, Kupbandapalayam,
Ernapuram Village, Edappaid Road,
Magudanchavadi, Sankagiri TK,
Salem District.



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N. ANAND VENKATESH, J.

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