



WEB COPY



W.P.No.9829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.9829 of 2025

N.Ayyathurai

.... Petitioner

Vs

1.The District Registrar
Tiruppur District
Tiruppur.

2.The Sub Registrar
Uthukulli
Tiruppur District.

3.Tiruppur Educational Foundation
Represented by its Managing Trustee Dr.P.RAvi
No.36, K.P.N. Colony, I Street
Tiruppur - 641 601.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to quash the impugned refusal chek slip issued by the second respondent in Refusal No.RFL/Uthukulli/1/2025 dated 06.02.2025 and further direct the 1st and 2nd respondent to admit and register the Settlement Deed to be executed by the petitioner herein in favour of his son



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- A.Naveen Kumar with respect to the land in S.F.No.392/4 measuring an extent of 2.20.20 Hec. bearing Patta No.1782 situated at Moratupalayam Village, Uthukuli Taluk, Tiruppur District.

For Petitioner : Mr.V.Sengottuvel, Senior Counsel
for Mr.K.R.Nishanth

For Respondents : Mr.U.Baranidharan
Special Government Pleader for R1 & R2

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent dated 06.02.2025, and for a further direction to the second respondent to admit and register the settlement deed executed by the petitioner in favour of his son, with respect to the subject property.

2. The second respondent has issued a refusal check slip on the ground that the subject property belonged to two different individuals and was registered as Doc.No.3093/2023 and Doc.No. 3470/2024 respectively on its file, i.e., Doc.No. 3093/2023 came to be registered pursuant to the Court decree passed in O.S.284/2023 on the file of Principal District Court, Coimbatore, and Doc.No.3470/2023 pertains to the decree passed in O.S.No.676 of 2023 dated



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09.12.2023 on the file of the Additional District Court, Tiruppur. Therefore, the petitioner cannot execute the settlement deed which he had presented on 06.02.2025, in respect of the subject property.

3. On going through the records, it is seen that the subject property was purchased by the petitioner through a registered sale deed dated 26.12.2002, registered as Doc.No.1275/2002. The petitioner sold an extent of 1.0 acre out of 13.69 acres to his brother through a sale deed dated 08.02.2006. The petitioner, thereafter, instituted a suit in O.S.No.676/2023, seeking for partition of certain properties against his brother, which also included the subject property. Pending the suit, the matter was compromised between the parties before Lok Adalath and based on the same, the decree was passed in O.S.No.676/2023, and as per the compromise, 'A' schedule property was allotted in favour of the petitioner. Thereafter, the petitioner approached the second respondent for registering the Court decree, however, a refusal check slip dated 09.02.2024 came to be issued. Hence, the petitioner approached this Court in W.P.No.21632 of 2024, challenging the refusal check slip that was issued on 09.02.2024, refusing to register the Court decree that was passed in



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O.S.No.676/2023. This Court on considering the materials, allowed the writ petition by order dated 31.07.2024, and directed the Sub Registrar, Uthukulli, Tiruppur District, to register the Court decree and that came to be registered as Doc.No.3470/2024.

4. On a perusal of the other materials placed before this Court, it is also brought to the notice of the Court that on applying for the certified copies of Doc.No.3093 of 2023 and on verifying the said document, the petitioner came to know that a Scheme Suit in O.S.No.284 of 2023 was instituted for framing the scheme for Tiruppur Education and Foundation, and the parties therein have entered into a compromise, based on which, a compromise decree was passed in O.S.No.284/2023 on 13.04.2023 by the Principal District Court, Coimbatore. In the compromise decree, the subject property in S.No.392 was also added. The said Trust filed a suit in O.S.No.637 of 2016 against the petitioner and others, seeking for a relief of declaration and permanent injunction, and this suit came to be dismissed for default on 08.02.2017 and had attained finality.

5. Therefore, a specific stand has been taken by the petitioner to the effect



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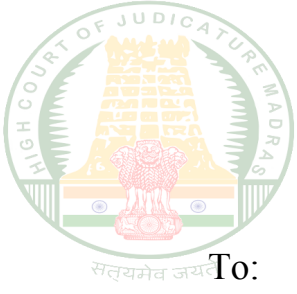
that the claim made by the Trust came to an end after the dismissal of the suit in O.S.No.637/2016 and therefore, there is no bar for the petitioner to deal with the property since the petitioner is claiming his right by virtue of the registered sale deed dated 26.12.2002, and he continues to be in possession and enjoyment of the property.

6. In the light of the above, the refusal check slip dated 06.02.2025 issued by the second respondent is hereby quashed and there shall be a direction to the second respondent to register the settlement deed dated 06.02.2025 executed by the petitioner in favour of his son and to register the same, if it is otherwise in order.

7. This writ petition is allowed in terms of the above. No costs.

21.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ds



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To:

WEB COPY

- 1.The District Registrar
Tiruppur District
Tiruppur.
- 2.The Sub Registrar
Uthukulli
Tiruppur District.



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N. ANAND VENKATESH., J

ds

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