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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 15772 of 2025

S.Vijayakumar

Petitioner(s)

Vs

1. The Deputy Inspector General of Registration
Integrated Registration Building
Complex, Kumaragiri By Pass Road,
Near Udaiyampatti Power House,
Ammamet, Salem 636 014

2.The District Registrar (Salem West)
Room No. 313 Collectorate Building,
O/o District Collector Office,
Salem 636 001.

3.The Sub Registrar
Magudanchavadi Sub Register Office,
Salem District.

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records relating to the impugned Refusal check slip of the 2nd respondent in Refusal No. RFL/Magudanchavadi /Book 2/1 dated 14.02.2025 vide Refusal order No. 01/2025 dated 24.02.2025 and quash the same as illegal and arbitrary and consequently direct the 3 respondent S.R.O Magudanchavadi, Salem District to Register the Gift settlement Deed dated 14.02.2025 presented for registration, within a stipulated time as fixed by this Court.

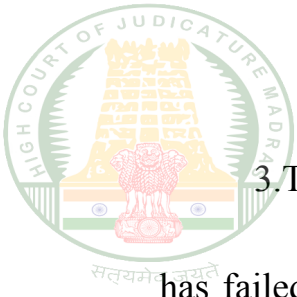
For Petitioner(s): Mr.Vijaya Basker

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip dated 14.02.2025 issued by the 3rd respondent and for a consequential direction to the 3rd respondent to register the Gift cum Settlement Deed dated 14.02.2025 executed by the petitioner in favour of his wife.

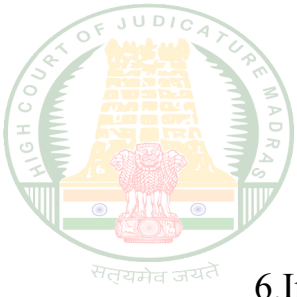
2.Heard Mr.Vijaya Basker, learned counsel appearing on behalf of the petitioners and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the respondents.



3. The refusal Check Slip has been issued on the ground that the petitioner has failed to establish the title over the property and hence, the 3rd respondent invoked Rule 55A of the Registration Rules.

4. On carefully going through the materials placed before this Court, this Court finds that there is an earlier order passed in W.P.No.3120 of 2024 which was filed by the mother of the petitioner challenging the order passed by the District Registrar canceling the Settlement Deed dated 18.05.2020. This writ petition was allowed by an order dated 15.07.2024. The petitioner is claiming his right from his mother through a registered Settlement Deed dated 18.05.2020. Therefore, the above order will squarely establish the right and title of the petitioner over the property.

5. In any event, the 3rd respondent cannot go into the right and title over the property, since Rule 55A of the Registration Rules was held to be ultra vires Section 69 of the Registration Act by the Apex Court in ***K.Gopi vs. Sub-Registrar and others*** reported in **2025 2 CTC 777**.



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6. In the light of the above discussion, the impugned refusal Check Slip issued by the 3rd respondent dated 24.02.2025, is hereby by quashed and there shall be a direction to the 3rd respondent to register the Gift cum Settlement Deed, if it is otherwise in order.

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

No Costs.

30-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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N.ANAND VENKATESH J.

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