



WEB COPY



W.P.No.18732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.18732 of 2024
& W.M.P.No.20549 of 2024

Jagadeesan

... Petitioner

Vs.

The Sub Registrar
Harur, Dharmapuri District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in refusal Refusal No.RFL / Harur / 30/ 2024 dated 16.02.2024 and to quash the same as illegal, incompetent and ultra vires and consequently direct the Respondent to register the Settlement deed dated 16.02.2024

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.U.Baranidharan, SGP



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ORDER

This writ petition has been filed challenging the refusal check slip dated 16.02.2024 issued by the respondent.

2. The learned counsel for the petitioner would submit that in this case, the petitioner had presented the settlement deed dated 16.02.2024, which was executed in favour of his daughter. However, the respondent had refused to register the said settlement deed, citing the reason that petitioner is not sole owner of the subject property.

3. Further, he would submit that a suit was already filed for partition and the same was dismissed vide judgement dated 07.08.2015 in OS.No.70 of 2010. Against the said order, an appeal in AS.No.75 of 2017 was preferred by the petitioner, however, the same was also dismissed vide judgement dated 07.12.2023. Therefore, the petitioner had restricted his possession and enjoyment of the shares pursuant to the aforesaid decree and judgement dated 07.12.2023. Based on the possession and enjoyment, now, the petitioner had executed the



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settlement deed in favour of his daughter, however, the same was rejected by the respondent vide check slip dated 16.02.2024. Hence, this petition.

4. In reply, the learned Special Government Pleader appearing for the respondent would submit that in this case, since the ownership of the subject property is in the joint name, both the petitioner and his brother are entitled for the said property. In such case, if the petitioner intends to settle the subject property, the same can be done only after obtaining consent from the joint pattadharar/petitioner's brother. However, in this case, no such consent was obtained by the petitioner and hence, the respondent is not in a position to register the deed executed by the petitioner.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and also perused the entire materials available on record.



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6. In the case on hand, the petitioner had executed the settlement deed dated 16.02.2024 in favour of his daughter and presented the same before the respondent for the purpose of registration. However, the same was rejected by the respondent vide impugned refusal check slip dated 16.02.2024.

7. According to the respondent, there are two joint pattadharars, viz., petitioner and his brother, in respect of the subject property and hence, it is necessary to obtain consent from the other pattadharar/ petitioner's brother prior to the registration of settlement deed executed by the petitioner. However, in this case, no such consent was obtained by the petitioner.

8. As rightly contended by the respondent, since there are two pattadharars, it would be appropriate to conduct enquiry prior to the registration of petitioner's settlement deed. In such view of the matter, this Court is inclined to set aside the impugned refusal check slip issued by the respondent.



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9. Accordingly, the impugned refusal check slip dated 16.02.2024 is hereby set aside. Upon re-presentation of settlement deed, the respondent is directed to issue notice to the joint pattadharar/petitioner's brother and conduct enquiry to ascertain the correctness of boundaries and thereafter, they shall proceed to register the settlement deed executed by the petitioner in accordance with law. The entire exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petition is also closed.

06.11.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

The Sub Registrar,
O/o. Sub Registrar,
Kelambakkam Chennai.

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KRISHNAN RAMASAMY.J.,

nsa

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