



WEB COPY



W.P.No.40517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2025

CORAM
THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.40517 of 2025

Perumatha

... Petitioner

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Harur,
Dharmapuri District.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Refusal Check Slip dated 29.08.2025 in RFL/Harur/150/2025 issued by the respondent herein and quash the same and consequently direct the respondent to register the Gift deed dated 25.08.2025 on re-presentation.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.P.Harish,
Government Advocate

ORDER

The relief sought in this writ petition is to call for the entire records relating to the Refusal Check Slip dated 29.08.2025 in



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RFL/Harur/150/2025 issued by the respondent herein and quash the same and consequently direct the respondent to register the Gift deed dated 25.08.2025 on re-presentation.

2. Mr.P.Harish, learned Government Advocate takes notice on behalf of the respondent. By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

3. The case of the petitioner is that the petitioner executed a settlement deed in favour of her daughter viz., Mekala on 25.08.2025 and presented the same before the respondent for registration. However, the respondent refused to register the said gift deed and issued a refusal check slip dated 29.08.2025, citing the reason that some portion of the properties were already partitioned and settled in favour of one Kavitha and registered as Doc.No.4467/2020. Challenging the said refusal check slip dated 29.08.2025, the petitioner has come forward with the present writ petition.



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4. Learned counsel for the petitioner would submit that in the present case, the petitioner's father had executed a settlement deed, pertaining to 1/3rd portion of the subject property, in favour of one Kavitha, which comes around 4/12 shares in the subject property. Out of the remaining portion, the petitioner is entitled for 7/12 shares in terms of the judgment and decree rendered in O.S.No.17 of 2021, which was registered as Doc.No.1355/2024. Based on the said entitlement, the petitioner had settled the said portion in favour of his daughter and executed the gift deed. In such case, there will be no impediment for the respondent to register the said gift deed. However, without understanding the said aspect and in total non-application of mind, the respondent issued the refusal check slip.

5. Learned Government Advocate appearing for the respondent submitted that the petitioner is entitled for 7/12 shares alone and the remaining portion was settled in favour of Kavitha by petitioner's father as undivided share. Therefore, he requests this Court to pass appropriate orders.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. As rightly contended by the learned counsel for the petitioner, the petitioner is entitled for 7/12 share in terms of the judgment and decree rendered in O.S.No.17 of 2021. On the other hand, the petitioner's father had settled only 1/3rd portion of the property in favour of one Kavitha, which is around 4/12 shares. There is no dispute on the above aspects.

8. Now, the petitioner, being an absolute owner of 7/12 shares of the subject property, made an attempt to settle the said portion of land in favour of his daughter vide gift deed dated 25.08.2025. In such view of the matter, there will be no impediment on the part of the respondent to register the said gift deed. However, due to non-application of mind and without understanding the division of shares as ordered by the Civil Court vide the aforesaid judgment and decree, the respondent refused to register the petitioner's gift deed.



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9. In view of the above, this Court is inclined to set aside the refusal check slip issued by the respondent. Accordingly, the impugned refusal check slip dated 29.08.2025 is set aside. Consequently, this Court directs the respondent to register the gift deed, in the event if the petitioner has re-presented the same, forthwith.

10. In the result, this writ petition stands allowed. No costs.

28.10.2025

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

To

The Sub-Registrar,
Office of the Sub-Registrar,
Harur,
Dharmapuri District.



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KRISHNAN RAMASAMY.J.,

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