



W.P.(MD)No.613 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.613 of 2025
and
W.M.P(MD)No.413 of 2025

Arputharaj

... Petitioner

/Vs./

The Sub-Registrar,
Office of Sub-Registrar,
Srivaikundram,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL/Srivaikundam/79/2024 dated 12.12.2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the settlement deed dated 29.10.2024 presented by the petitioner.

For Petitioner : Mr.R.Ponkarthikeyan
For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent, dated 12.12.2024 thereby refused to register the sale deed on the ground that the original Will and the parent sale deed were not produced. Further, the schedule of the property included additional the property which is not available in the Will.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The property comprised in S.No.1814/1 admeasuring 91 cents, S.No.1791/2 admeasuring 34 cents, S.No.1814/2 admeasuring 41 cents, S.No.1776/2 admeasuring 36 cents and Survey No.1773 admeasuring 32 cents situated at Serakulam Village, Srivaikundam, Thoothukudi District



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belongs to the petitioner's father by virtue of registered sale deed Document No.2928/1943 while he was alive, he had executed the Will in favour of the petitioner vide registered document No.13/1993. Thereafter, he died on 10.01.1994 and after his demise, the petitioner has been acted upon and the petitioner was issued patta and all the revenue records were mutated in his favour. In turn, the petitioner executed the settlement deed in favour of his wife on 29.10.2024 and presented the same for registration. However, it was refused to register by issuing refusal check slip on 12.12.2024 on the ground that the original Will and parent document were not produced for registration and additional property was included.

5. Insofar as the original Will and parent document is concerned, this Court already held that the registering authority cannot insist for production of the original parent document for registration.

6. Insofar as the additional property is concerned, the petitioner is directed to clarify the same and represent the settlement deed for



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registration. On receipt of the same, the respondent is directed to register the same and release the document forthwith, if it is otherwise in order.

7. In the result, the writ petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

09.01.2025

Index : Yes / No
NCC : Yes / No
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To

The Sub-Registrar,
Office of Sub-Registrar,
Srivaikundram,
Thoothukudi District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.613 of 2025

Dated:
09.01.2025