



W.P.(MD)No.2691 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2025**

CORAM:

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

W.P.(MD)No.2691 of 2025
and W.M.P.(MD)No.1898 of 2025

Kalilur Rahman

... Petitioner

/Vs./

1. The District Registrar,
Tirunelveli District,
Tirunelveli.
2. The Sub-Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli 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 respondent proceedings in his Refusal Slip in RFL/Melapalayam/3/2025 dated 04.01.2025 is illegal and quash the same and consequently direct the respondent to Register the Settlement deed dated 02.12.2024 within stipulated time fixed by this Hon'ble Court.



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For Petitioner : Mr.S.Mahendra Pathy

For Respondent : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 04.01.2025 thereby refused to register the settlement deed presented for registration on the ground that there is a double entry in respect of the subject property.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the petitioner's mother had purchased the property comprised in S.No.749 to an extent of 7 acre 92 cents situated at Kullavanigapuram Village, Melapalayam, Palayamkottai, Tirunelveli District, which was originally belonged to one Alan Mohammed Pitchai. He mortgaged the property in favour of



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Abubacker and availed loan. However, he failed to repay the loan and as such the said Abubacker filed a suit in O.S.No.67 of 1971 against the legal heirs of the Alen Mohammed Pitchai on the file of the District Munsif Court, Tirunelveli and the said suit was decreed in favour of the Abubacker. The petitioner's mother purchased the subject property in the auction sale. After her demise, her legal heirs namely the petitioner and his siblings derive title over the property and executed the settlement deed in respect of the settlors share. On perusal of the records revealed that the Alen Mohammed Pitchai and his siblings partitioned the total extent of the property comprised in S.No.749 to an extent of 7 acre 92 cents by the partition deed. Therefore, the said Alen Mohammed Pitchai had no title over the entire extent of the property and other share holders had executed the several sale deed in respect of their shares. As such, the second respondent has rightly rejected the document and there is no infirmity or irregularity in the order passed by the second respondent and it is devoid of merits and it is liable to be dismissed.



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4. Accordingly, the writ petition is dismissed. The petitioner is at liberty to approach the civil Court for appropriate relief. No costs.

30.01.2025

Index : Yes / No
NCC : Yes / No
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TO:-

1. The District Registrar,
Tirunelveli District,
Tirunelveli.
2. The Sub-Registrar,
Office of the Sub Registrar,
Melapalayam,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.2691 of 2025
and W.M.P.(MD)No.1898 of 2025

Dated:
30.01.2025