



W.P.(MD)No.4667 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4667 of 2023

and

W.M.P.(MD)No.4357 of 2023

Singam @ J.Muthukrishnan

... Petitioner

-VS-

The Sub Registrar,
K.Sathanur Sub Registration Office,
K.Sathanur, Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records and to quash the impugned refusal check slip culminated in RFI/Keelsathanur/2/2023, dated 24.02.2023, on the file of the respondent as illegal, unlawful, arbitrary, unenforceable and not binding on the petitioner and directing the respondent by way of Mandamus to register the settlement deed dated 24.03.2023 executed by the petitioner in favour of his son Singam @ M. Prathap in respect of the property comprised in S.F.No.7/2, Ward AH, Block 4, situated at K.Sathanur (South) Village, Tiruchirappalli (West) Taluk and District, admeasuring to an extent of Acre 1.18 Cents.

For Petitioner

: Mr.Shangar Murali



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For Respondent

: Mr.P.T.Thiraviyam
Government Advocate

ORDER

The petitioner seeks a Writ of Certiorarified Mandamus to quash the refusal check slip issued by the respondent and also for a Mandamus, to direct the respondent to register the settlement deed executed by the petitioner in favour of his son Singam @ M.Prathap in respect of the property comprised in S.F.No.7/2, Ward AH, Block No.4, situated at K.Sathanur [South] Village, Tiruchirappalli [West] Taluk and District and for consequential orders.

2. The petitioner claims that the property situated in S.F.Nos.6 and 7 of Pudur Village, K.Sathanur [South], Tiruchirappalli Taluk and District belongs to one Vengudusamy Naidu. The said Vengudusamy Naidu had two sons namely, Muthusamy Naidu and Thirumalaisamy Naidu. The three of them entered into a registered partition deed on 16.07.1923. Under the partition deed, "A" Schedule mentioned properties were allotted to Muthusamy Naidu and "B" Schedule mentioned properties to Thirumalaisamy Naidu.



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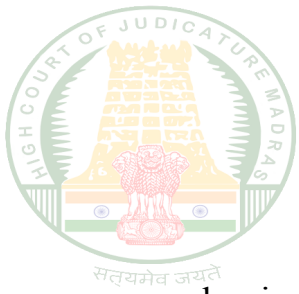
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3. Muthusamy Naidu had one son, by name, Perumal Naidu. Thirumalaisamy Naidu did not enter into a matrimony and died issueless. Hence, his share devolved on his brother, Muthusamy Naidu. In other words, Muthusamy Naidu became the owner of "A" and "B" Schedule mentioned properties.

4. The aforesaid Perumal Naidu married one Papammal. This wedlock produced one Muthulakshmi. This Muthulakshmi is none else than the mother of the writ petitioner. The petitioner also has other siblings, by name, Soundram, Govindarajan and Ethirajam.

5. According to the petitioner, Perumal Naidu and his wife Papammal adopted the petitioner as their son. They have also registered a document, evidencing the adoption on 16.04.1980. The grandfather of the petitioner, Perumal Naidu passed away on 31.10.1974 leaving behind Papammal, the adopted mother of the petitioner and the petitioner.

6. The petitioner pleads that his brother Govindarajan and his sisters Soundram and Ethirajam executed a registered release deed dated 25.10.1988



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releasing the properties in favour of the petitioner. Disputes, subsequently, arose between the siblings. I need not delve deep into those matters for the disposal of the present Writ Petition.

7. The petitioner begot a son by name, Prathap. As age was catching up with him, the petitioner decided to settle the properties in favour of the said Prathap. Accordingly, he executed a settlement deed in his favour on 24.02.2023. A refusal check slip was issued by the respondent on the very same day. Challenging the same, the present Writ Petition.

8. I heard Mr.Shangar Murali, learned for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondent.

9. A perusal of the impugned order shows that the authority has refused to register the document on the following two grounds:-

(1) The original documents relating to the subject matter of the release deed have not been produced; and



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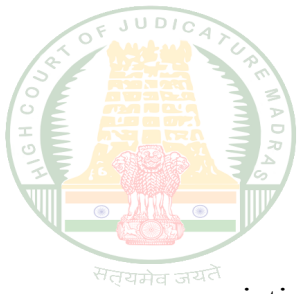
(2) The Writ Petition in W.P.(MD)No.23992 of 2017 initiated by one Y.Solomon Devaraj was pending consideration.

10. Mr.Shangar Murali, learned counsel for the petitioner urges that both the grounds cannot be pushed into service by the respondent for the purpose of issuing a refusal check slip. He pleads that a mere pendency of the Writ Petition does not a bar the Sub-Registrar from receiving a document transferring title.

11. Mr.P.T.Thiraviam, learned Government Advocate vehemently contends that on account of the pendency of the Writ Petition in W.P.(MD)No.23992 of 2017, the respondent herein, who is arrayed as fifth respondent in the said Writ Petition, was constrained to reject the presentation of the settlement deed.

12. I have carefully considered the submissions of both sides.

13. The issue whether the original of the document has to be produced at the time of registration, has been settled by this Court in the case of **P.Pappu vs. Sub-Registrar, Rasipuram** reported in **2024 (5) CTC 575**. A Division Bench

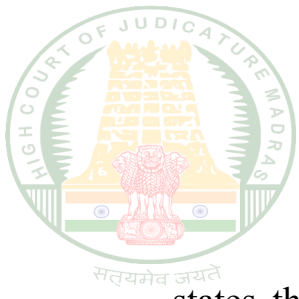


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consisting of the **Hon'ble Mr.Justice R.Subramanian** and the **Hon'ble Mr.Justice R.Sakthivel** held that a registering authority cannot demand the original of the documents as a condition precedent for registration of a document. The view taken by the Division Bench has been confirmed by the Hon'ble Supreme Court on **03.02.2025** in **Sub-Registrar, Rasipuram vs. P.Pappu [Special Leave to Appeal (C)No.2344 of 2025]**, which settles the first issue that has been presented to me.

14. Insofar as the second issue is concerned, the mere fact that a Writ Petition is pending cannot be a valid ground for rejecting a document. This issue is no longer *res integra*. It has has been settled by a Division Bench of this Court in **N.Ramayee vs. Sub-Registrar** reported in **2020 (6) CTC 697**. The Division Bench held that the mere pendency of a suit will not bar a Registrar from receiving a document for registration.

15. Furthermore, Mr.Shangar Murali, learned counsel for the petitioner points out that the Writ Petition cited in the impugned order namely, **Y.Solomon Devaraj vs. The Revenue Divisional Officer, Trichy and others** in **W.P. (MD)No.23992 of 2017** had been dismissed by this Court on **27.11.2024**. He



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states that Y.Solomon Devaraj is none else than the Power of Attorney of the siblings, namely, Govindarajan, Ethirajam and Soundram.

16. Since both the grounds are nonexistent, I am constrained to interfere with the impugned order passed by the respondent dated 24.02.2023. Therefore, the Writ Petition is allowed and the refusal check slip is quashed. A Mandamus is granted. The respondent shall register the settlement deed presented by the petitioner in favour of his son, M.Prathap, within two weeks from the date of receipt of a copy of this order. Needless to state, the mere registration of the settlement deed will not, in any way, affect the title of Govindarajan, Ethirajam, and Soundram, if they have any. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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06.03.2025

To:-

The Sub Registrar,
K.Sathanur Sub Registration Office,
K.Sathanur, Tiruchirappalli.



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V. LAKSHMINARAYANAN, J.

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