

W.P(MD).No.9698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD).No.9698 of 2025

Kujulva R.Chandra

...Petitioner

Vs

The Sub Registrar,
Paramakudi Taluk,
Ramanathapuram District.

...Respondent

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, calling for the records of the impugned order in RFL/Paramakudi/44/2024 dated 09.12.2024 on the file of the respondent and quash the same and further directing the respondent to receive and register the settlement deed dated 04.12.2024 executed by the petitioner in favour of the petitioner's son.

For Petitioner : Mr.Aditya for
Mr.G.Prabhu Rajadurai

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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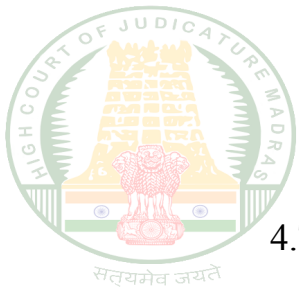
ORDER

WEB COPY The Writ Petition has been filed for the following reliefs:-

To call for the records of the impugned order in RFL/Paramakudi/44/2024 dated 09.12.2024 on the file of the respondent and quash the same and to direct the respondent to receive and register the settlement deed dated 04.12.2024 executed by the petitioner in favour of the petitioner's son.

2.The petitioner states that the property, which is the subject matter of this Writ Petition, is an extent of 437 ½ sq.ft situate in Eeswaran Kovil Street, Emaneswaram Town, Paramakudi Taluk, Ramanathapuram District. She pleads that an extent of the land encompassing the aforesaid property is situated in S.No.222/6. The property was purchased by her father. Apart from this land, petitioner's mother was also possessed of an extent of 1500 sq.ft adjacent to S.No.222/6.

3. The petitioner pleads that her father passed away in 2012 and her mother passed away in 2018. It is not in dispute on the death of the parents of the petitioner, she and her siblings succeeded to the estate. Post the death of their mother, the siblings partitioned the properties among themselves. The brothers took the house property and the sisters took the vacant lands. This arrangement between the family was recorded in writing through a document dated 28.12.2018.

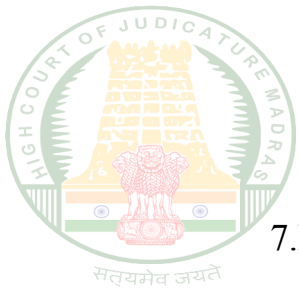


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4.The petitioner's brothers, Kasthuri Sekar and Kasthuri Jeyanthilal, had executed settlement deeds for the properties, which fell to their share in favour of their respective wives and children. When these documents were presented for registration, it was refused by the Sub Registrar. This constrained them to move this Court in W.P.(MD)Nos.24278 and 24279 of 2022. The Writ Petitions were ordered setting aside the refusal check slips. Subsequently, the petitioner intended to alienate the property that fell to her share in favour of her son. She executed a settlement deed on 04.12.2024. The respondent issued a refusal check slip which is the subject matter of this Writ Petition.

5.I heard Mr.Aditya for Mr.G.Prabhu Rajadurai for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondent.

6.Mr.Aditya reiterated the contentions setforth in the affidavit and pleaded that as the petitioner's brothers have already been benefited with an order based on the unregistered partition deed, the same cannot be refused to the petitioner, when it comes to her share.

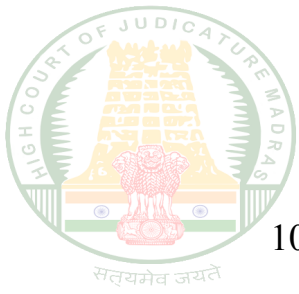


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7.Mr.Ramesh Arumugam on the basis of written instruction issued by the respondent points out that the petitioner has not produced the legal heirship certificate of her parents and therefore the Sub-Registrar refused to receive the same. He states that if the legal heirship certificate is produced, the Sub-Registrar will follow the previous order passed by this Court and will have the settlement deed executed by the petitioner in favour of her son Kujulva KR Venkatesh registered.

8.I have carefully gone through the records.

9.The issue whether the property, which had been partitioned between the family of the petitioner and her siblings on 28.12.2018, has already been considered by this Court in W.P.(MD).Nos.24278 & 24279 of 2022. By an order dated 19.09.2024, a learned Single Judge held that a memorandum of partition of a past transaction will not attract Section 17 of the Registration Act, 1908 and therefore, it can be acted upon. It is under the very same memorandum, which was the subject matter of the previous Writ Petitions, that the petitioner was allotted the property in S.No.226/6 of Emaneswaram Village, Paramakudi Taluk, Ramanathapuram District. Therefore, the respondent could not have refused to register the document.



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10. Insofar as the objection raised by Mr. Ramesh Arumugam that the legal heirship certificate has not been produced. Mr. Aditya states that the settlement deed will be represented together with the legal heirship certificate of the parents of the petitioner. That being the position, the issues having been resolved, I have given the following directions:-

i) The impugned order is quashed.

ii) The petitioner shall represent the settlement deed executed by her in favour of her son Kujulva KR Venkatesh enclosing copy of the legal heirship certificate of her parents within a period of two weeks from the date of receipt of copy of this order.

iii) On receipt of the settlement deed together with the legal heirship certificate as aforesaid the respondent shall register the document within a period of two weeks thereafter.

11. The Writ Petition is allowed with the above directions. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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V.LAKSHMINARAYANAN. J,

To

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The Sub Registrar
Paramakudi Taluk,
Ramanathapuram District.

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