



W.P.(MD).No.12181 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.12181 of 2025

Kaliammal

.. Petitioner

Vs.

The Sub-Registrar,
Vedasandur,
Dindigul District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal check slip of the respondent in RFL/Vedasandur/104/2025 dated 09.04.2025 and quash the same and consequently direct the respondent to register the settlement deed dated 09.04.2025 executed by the petitioner in favour of her son Thangavel within the time fixed by this Court.

For Petitioner : Mr.B.Azhagesh

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned refusal check slip of the respondent in RFL/Vedasandur/104/2025 dated 09.04.2025 and consequently, to direct the respondent to register the settlement deed dated



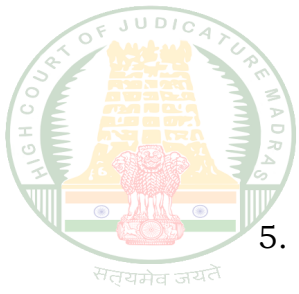
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09.04.2025 executed by the petitioner in favour of her son Thangavel within the time fixed by this Court.

2. The petitioner states that she is possessed of several items of property in Vendasandur Village, Dindigul District. She has two sons, by name, Thangavel and another, by name, Kuppusamy @ Ganesh. Kuppusamy @ Ganesh passed away on 25.02.2008. This constrained the petitioner to present a suit for partition against her daughter-in-law and grand children. The suit was taken on file in O.S.No.152 of 2021 on the file of the Additional District Court, Dindigul. The suit was decreed on 24.01.2025. The writ petitioner was allotted 1/4th share in the suit scheduled mentioned properties.

3. The petitioner, in order to put her affairs in order, decided to settle the undivided 1/4th share in favour of her son, Thangavel. She executed a settlement deed and the same was presented for registration on 09.04.2025. By the impugned check slip issued on the same day, the respondent refused to register the settlement deed. Hence, this Writ Petition.

4. I heard Mr.B.Azhagesh for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondent.



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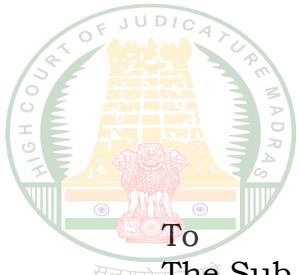
5. The purpose of a preliminary decree is to declare the share that a sharer has in a property. The sharer is entitled to alienate the undivided share in favour of any person. In this case, she has chosen her son to be the beneficiary. By virtue of a final decree, the Court would declare the subject properties in terms of the shares allotted by the preliminary decree. A person, under law, is entitled to alienate his/her undivided share in the immovable property. That being the position, the insistence of the respondent that the petitioner can execute a settlement deed only after passing of the final decree is untenable.

6. In the light of the above discussion, the impugned order is quashed. There shall be a direction to the respondent to register the settlement deed executed by the petitioner in favour of her son, Thangavel, within a period of two (2) weeks from the date of uploading of this order in the website of this Court.

7. Accordingly, the Writ Petition stands allowed. There shall be no order as to costs.

28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

The Sub-Registrar,
Vedasandur,
Dindigul District.



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V.LAKSHMINARAYANAN,J.

Lm

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