



W.P(MD)No.22669 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.22669 of 2024

Nirmala

... Petitioner

Vs.

1. The District Registrar,
Viruthunagar Registration District,
Viruthunagar.

2. The Sub Registrar,
Thiruthangal Sub Registrar Office,
Viruthunagar District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd respondent made in RFL/Thiruthangal/63/2024 dated 03.09.2024 and to quash the same and consequently, to direct the 2nd respondent to register the Gift Settlement dated 29.08.2024 in respect of property comprised in S.No.1405/1, Keelathiruthangal Village, Viruthunagar District

For Petitioner : Mr.V. Chandrapandi

For Respondents : Mr.S.Kameshwaran
Government Advocate



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the proceedings of the 2nd respondent made in RFL/Thiruthangal/63/2024 dated 03.09.2024 and consequently, to direct the 2nd respondent to register the Gift Settlement dated 29.08.2024.

2.Through the impugned refusal check slip, the respondents have stated that the petitioner is tracing title through one Ayyappan but the said Ayyappan was unmarried and he did not have any issues. Aggrieved over the same, present writ petition is filed.

3.The contention of the petitioner is that the petitioner is the wife of Late.Ayyappan. The facts as stated by the petitioner is that the property in Survey No.1405 at Keelathiruthangal Village is the ancestral property belonging to one Ayyapapanniker. The said Ayyapapanniker is the grand father of the petitioner's husband. The said Ayyapapanniker / grand father inherited the said property through a family partition deed in Doc.No.16 of 1934 registered at Sivakasi Sub Registrar Office. The said Ayyapapanniker was having three sons namely, Sakkaiya, Marriyapan and Subramani. After the demise of the said grand father / Ayyapapanniker, the said three sons inherited the property. The said Sakkaiya is the father of the petitioner's husband and the petitioner is the daughter in law of the

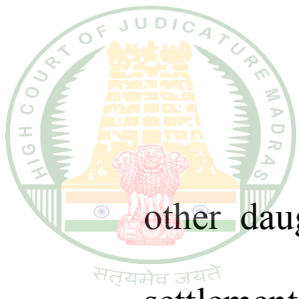


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said Sakkaiya. The said Sakkaiya died on 18.03.1984 leaving behind his wife and 9 children as legal heirs. Among the 9 children, 4 children are male children namely, Ayyapan, Marishwaran, Sivasankara Narayana Prabhu and Ravinthran.

4. The contention of the petitioner is that one the brothers of the petitioner's husband namely Marishwaran executed a release deed in favour of the petitioner's husband Ayyapan and two other brothers namely, Sivasankara Narayana Prabhu and Ravinthran and his mother Ramalachumi vide release deed No.167 /1992 dated 07.07.1992. Subsequently, the said Marishwaran died. Then the mother of the Ayyapan also died on 19.05.2005. Thereafter, the petitioner's husband also died on 16.04.2008 leaving behind the petitioner and 3 daughters namely, Buela, Pavithra and Sakthi Lakshmi as legal heirs.

5.The petitioner further submitted that before the death of Ayyapan, the petitioner and Ayyapan were separated due to misunderstanding. Therefore, the petitioner and her daughters were living with the petitioner's parents in Madurai. In such circumstances, the other two brothers namely, Sivasankara Narayana Prabhu and Ravinthran were trying to acquire the petitioner's land by unlawful manner and the share of the petitioner's husband is being denied to the petitioner. Under these circumstances, the petitioner and other two daughters namely Buela and Sakthi lakhmi have executed a settlement deed in favour of



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other daughter Pavithra in order to avoid encumbrance. They presented the settlement deed before the respondents for registration. But the respondents refused to register the same stating that Ayyapan was not married at all. The respondents cannot determine the title dispute between the petitioner and other co-shares namely Sivasankara Narayana Prabhu and Ravinthran.

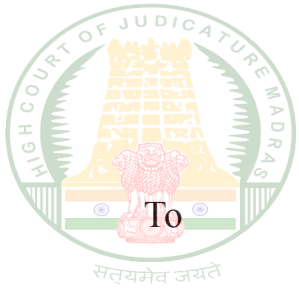
6.It is a settled proposition that title dispute cannot be determined by the respondents. Therefore, the impugned refusal check slip is quashed and the petitioner is directed to produce the legal heir certificate of the Ayyapan along with the settlement deed. On such submission, the respondents shall register the settlement deed within a period of four weeks therefrom.

4.With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

08.08.2025

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

Tmg



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
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