



W.P (MD).No.31554 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM

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

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Seeramulu

... Petitioner

Vs.

1.The District Registrar,
Madurai Registrar Office,
Madurai.

2.The Sub-Registrar,
Ezumalai,
Madurai District.

3.Seerangammal
4.Gnanavelu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip in Maruppu Seettu No.Elumalai/49/2024 dated 29.10.2024 issued by the second respondent and quash the same as illegal and directing the second respondent to register the release deed, dated 29.10.2024 executed by the respondents 3 & 4 in favour of the petitioner pertaining the 2/4 share of the property situated in old S.No.505/2 to the extent of center 24 1/2 cents out of 1/46 acres in new S.No.505/2C1A, in patta No.6294 to the extent of 0.10.97 hectares, new S.No.505/2D, in patta No.1992 to the extent of 0.05.00



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hectares, to the total extent of 0.15.97 hectares 39 1/2 cents in Elumalai Village, Elumalai Sub Division, Periyakulam Revenue Division, Madurai District.

For Petitioner : Mr.S.A.Ajmalkhan
For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the second respondent, dated 29.10.2024, thereby refused to register the release deed executed by the respondents 3 & 4 in favour of the petitioner in respect of their 2/4 share in the property comprised in old S.No.505/2 to the extent of center 24 1/2 cents out of 1/46 acres in new S.No.505/2C1A, in patta No.6294 to the extent of 0.10.97 hectares, new S.No.505/2D, in patta No.1992 to the extent of 0.05.00 hectares, to the total extent of 0.15.97 hectares 39 1/2 cents in Elumalai Village, Elumalai Sub Division, Periyakulam Revenue Division.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. Originally, the subject property was purchased by the petitioner's father by the registered sale deed dated 14.10.1981 vide document No.1696 of 1981. He died on 17.03.2005. After his demise, the subject property devolved upon his legal heirs, namely, the petitioner, his mother and his two sisters. On 17.09.2013 the petitioner's mother died. In order to relinquish the share of the petitioner's sisters, they had executed the release deed in favour of the petitioner, however, it was refused to register on the ground that the property comprised in S.No.505/2C1A1 and 505/2C1A2 stands in the name of the Thiruppathi and Kamatchi Amma.

5. Admittedly, the subject properties are not comprised in S.No. 505/2C1A1 and 505/2C1A2. The subject properties are S.No.505/2, new S.No. 505/2C1A and new S.No.505/2D situated at Elumalai Village, Elumalai Sub Division, Periyakulam Revenue Division. Therefore, the second respondent without application of mind refused to register the release deed executed by the petitioner's sisters only on the ground that the properties comprised in S.No. 505/2C1A1 and 505/2C1A2 stands in the name of Thiruppathi and Kamatchi Ammal. Those properties are no way connected with the subject property.



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6. In view of the above, this Court finds infirmity in the order passed by the second respondent, dated 29.10.2024 and it cannot be sustained and liable to be quashed.

7. Accordingly, the order of the second respondent dated 29.10.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the release deed for registration. On receipt of the same, the second respondent is directed to register the release deed and release the document forthwith, if it is otherwise in order. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

02.01.2025

To

1.The District Registrar,
Madurai Registrar Office,
Madurai.

2.The Sub-Registrar,
Ezumalai,
Madurai District.



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G.K.ILANTHIRAIYAN, J.

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