

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7699 of 2016

1.V.Ramani Babu
2.B.Ramesh
3.B.Suresh
4.B.Sabeetha

... Petitioners

vs.

The Sub Registrar,
Vandavasi,
Thiruvannamalai District.

.... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to release the partition deed document, which was registered on 23.10.2015 bearing pending document No.P201500053, dated 23.10.2015 registered in the office of the respondent herein.

For Petitioners : Mr.G.Baskar

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the respondent to release the partition deed document, which was registered on 23.10.2015 bearing No.P201500053, in the office of the respondent herein.

2. It is the case of the petitioners that after the demise of one V.Babu, his wife, sons and daughter, who are the petitioners herein, have been in possession and enjoyment of his properties under Patta No.824 of Sathamangalam Village, under Patta No.342 of Pathiri Village, under Patta Nos.474 and 475 of Vandavasi Village and under Manai Vari Patta no.56 of Vandavasi Village and other properties in Vandavasi Town, by way of inheritance. They have also paid all the taxes levied by the

authorities concerned without any default. While so, the first petitioner, who is the mother of petitioners 2 to 4, wanted to partition the said properties, for which, all her sons and daughters gave their consent. Accordingly, a partition deed was effected, in which, all of them signed, except one daughter by name B.Sujatha since she is in USA. Thereafter, the said document was presented for registration on 23.10.2015 along with necessary charges as per law. Whereas, the respondent, instead of registering it, has kept the same pending bearing No.P201500053, without assigning any valid reason. The petitioners made several attempts to get the document registered, but it ended in vain. Therefore, the petitioners have no other option, except to approach this court with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the petitioners to submit a representation enclosing the required documents along with a copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order. On filing of such representation, the respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioners as well as to other necessary parties, if any and pass appropriate orders, with regard to release of the document bearing No.P201500053 dated 23.10.2015, within a period of two weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioners and it is for the respondent to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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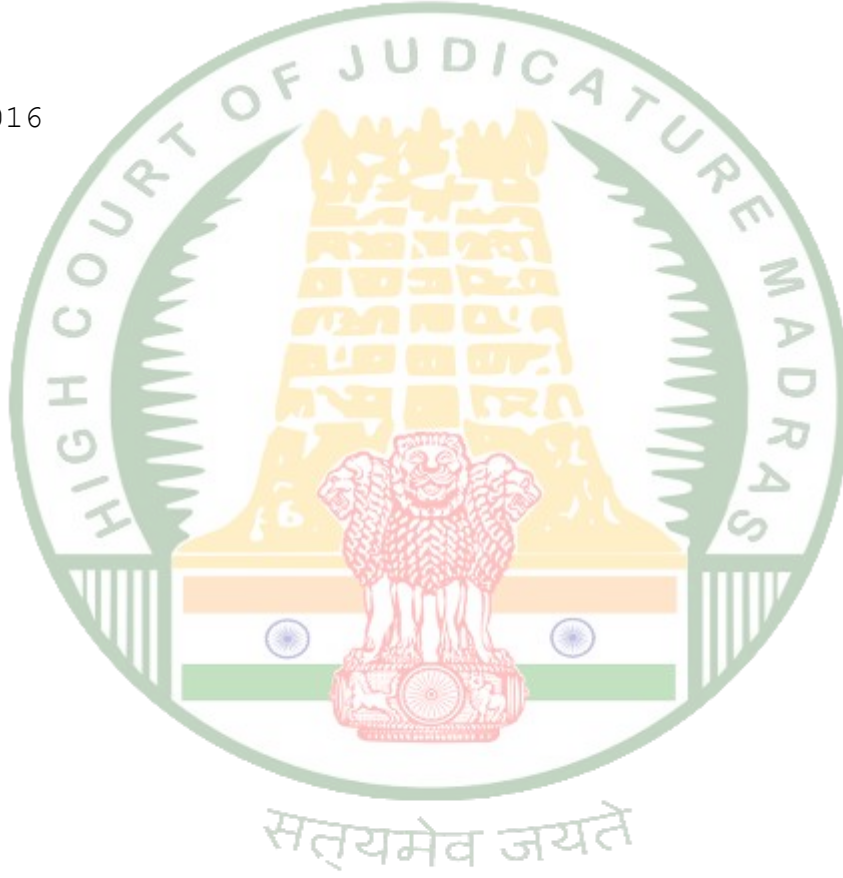
To

The Sub Registrar,
Vandavasi,
Thiruvannamalai District.

+1 cc to Mr.G.Baskar Advocate sr.13163
+1 cc to Government Pleader sr.13769

W.P.No.7699 of 2016

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