

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4787 of 2017

R.Raja

... Petitioner

vs.

The Sub Registrar No.2,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to consider the representation dated 07.09.2015 made by the petitioner to the respondent in accordance with law and to register and deliver the partition deed dated 15.07.2015 executed by the petitioner and his family members, pending in Document P.No.99/2015, on the file of the respondent herein, within a time frame.

For Petitioner : Mr.K.K.N.Ganeshan

For Respondent : Mr.P.V.Selvakumar,
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent to consider his representation dated 07.09.2015 in accordance with law and to register and deliver the partition deed dated 15.07.2015 executed by him and his family members, pending in Document P.No.99/2015, on the file of the respondent herein within a time frame as may be fixed by this Honouble Court.

2. According to the petitioner, he is in joint possession and enjoyment of the subject property along with his brothers and sisters till date without any dispute. After the family arrangement, he presented the partition deed dated 15.07.2015 to the respondent for registration. But, the respondent refused to register the said partition deed for want of discharge certificate from Adhiyaman Benefit Fund Ltd., Dharmapuri, where, his brother had mortgaged the said property for a sum of

Rs.25,000/- and later discharged the loan amount. Hence, stating the fact that Adhiyaman Benefut Fund Ltd., Dharmapuri had already been dissolved in the year 2005 itself and that they are unable to obtain Discharge Certificate from them, the petitioner made a representation dated 07.09.2015 to the respondent requesting him to release the said document. Since no reply is forthcoming from the respondent, the petitioner is before this Court.

3.Heard the learned counsel on either side and perused the material documents available on record.

4.Considering the facts and circumstances of the case, this Court directs the respondent to consider the petitioner's representation dated 07.09.2015 on merits and in accordance with law, after giving an opportunity of hearing to the parties, and pass appropriate orders as expeditiously as possible.

This Writ Petition is disposed of with the above direction. No costs.

sd/
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

aeb

To:

The Sub Registrar No.2,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.K.K.N.Ganeshan, Advocate SR.No.12249
+1cc to Government Pleader SR.No.1303

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Order in
W.P.No.4787 of 2017

NM(CO)
GN(08/03/2017)