



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.21931 of 2017

1.M.Rajasundari

2.M.Selvarajan

3.G.Shanthi

4.A.Arasi

5.A.Anu Arthi

... Petitioners

Vs.

1.The Chief Revenue Control Authority cum
Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
[Upstairs of Mylapore Sub Registrar Office]
Chennai.

2.The District Registrar,
Palayamkottai,
District Collectorate, Tirunelveli.

3.The Sub Registrar,
Moorappanadu Village,
Srivaikundam Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to release the petitioners' original Partition Deed, by assigning a permanent number for the deed, in pending document number P-131 of 2016, dated 16.09.2016, together with its duplicate and triplicate, pending on the file of the 3rd respondent, as per the petitioner's representation dated 06.10.2017 within a time stipulated by this Court.

For Petitioner

: Mr.A.Chandrasekaran

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.M.Alagathevan,
Special Government Pleader

**ORDER**

This writ petition has been filed, seeking a writ of mandamus directing the respondents to release the petitioners' original Partition Deed, by assigning a permanent number for the deed, in pending document number P-131 of 2016, dated 16.09.2016, together with its duplicate and triplicate, pending on the file of the 3rd respondent, as per the representation dated 06.10.2017.

2. Heard both sides.

3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioners submitted that a partition deed had been executed and was presented before the third respondent on payment of requisite stamp duty, for registration. Though, a number has been assigned, the registered partition deed has not been returned to the petitioners and the second respondent vide Notice dated 25.09.2017, demanded to pay additional stamp duty, for which, a detailed explanation dated 04.10.2017 was given by the petitioners and the second respondent without considering their explanation, passed an order on 10.10.2017, against which an appeal has been filed and the same is pending before the first respondent. It is further submitted that the petitioners sent a representation on 06.10.2017, to the second respondent to return the original partition deed to the petitioners. Since the petitioners' representation is pending, they are before this Court.

5. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the representation of the petitioners would be considered on merits within the time stipulated by this Court.

6. Considering the limited scope of the relief sought in this writ petition, this Court, without going into the merits of the case, directs the respondents to consider the petitioners' representation dated 06.10.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (A.E)

/True Copy/

Sub Assistant Registrar



To

1.The Chief Revenue Control Authority cum
Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road,
[Upstairs of Mylapore Sub Registrar Office]
Chennai.

2.The District Registrar,
Palayamkottai,
District Collectorate, Tirunelveli.

3.The Sub Registrar,
Moorappanadu Village,
Srivaikundam Taluk,
Tuticorin District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 90527

+1cc to Mr.A.CHANDRASEKARAN Advocate in SR. No. 90062

DSK

JS/SKN.RSK/SAR.1/20.12.2017/3P-6C

ORDER MADE IN

W.P (MD) No.21931 of 2017

29.11.2017