



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD).No.23723 of 2017

N.Parvathiammal

...Petitioner

Vs.

The Sub Registrar,
The Joint II Sub Registration Office,
Tirunelveli.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to register the rectification deed of the petitioner which is relating to house site and house in Survey No.3 admeasuring 54.12 ft east west and 89.75 ft north south totally 4857.8112 Sq.Ft, and D.No.79A, 79B situated at Karayiruppu Village, Tirunelveli District based on the petitioner's representation dated 13/11/2017.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.M.Alagathevan,
Special Government Pleader

O R D E R

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

2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondent.

3. According to the petitioner, the subject mentioned property originally belonged to his father, who had executed a gift deed in favour of the petitioner's brother, one Murugan, vide gift deeds D.Nos.2053/1987 & 2258/1987. Thereafter, the petitioner has purchased the same, from his brother, vide Doc.No.2421/1994. After purchasing, at the time of patta transfer, the petitioner came to know the fact that the Survey number was wrongly mentioned in the sale deed. Subsequent thereto, the petitioner along with his brother, had approached the respondent to execute a rectification deed, who, in turn, demanded no objection certificate from other legal heirs. It is the grievance of the petitioner that once his father had executed a gift deed in favour of his brother, no objection from other legal heirs, for executing a rectification deed, is not necessary. Therefore, the petitioner has submitted a representation dated 13.11.2017, narrating all the facts, before the



respondent. As the same is kept pending, without any action, he is before this Court.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 13.11.2017, is disposed of, by the respondent, on merits.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner dated 13.11.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The Sub Registrar,
The Joint II Sub Registration Office,
Tirunelveli.

+One cc to Mr.T.Selvan, Advocate, SR.No.94166

+One cc to The Special Government Pleader, SR.No.94798

gk

RL/4C/2P/KK/SAR1/5/1/2018

W.P. (MD) .No.23723 of 2017