



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM:

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

W.P (MD) No.8016 of 2017

Abdul Kalam Aasath

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Pudhukottai District.

2. The Sub Registrar,
Sub District Registrar Office,
Pudhukottai 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 register the partition deed in temporary document number in P201200009 on the file of 2nd respondent and release the same.

For Petitioner : Mr.R.Maheswaran

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

ORDER

This writ petition has been filed, seeking to direct the respondents to register the partition deed in temporary document number in P201200009 on the file of 2nd respondent and release the same.

2.Heard both sides.

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

4.The learned counsel for the petitioner would submit that the property in old Survey No.32/4, New Survey No.32/4A, 32/4B, 32/4C, 32/4D is his ancestral property. Due to the demise of his ancestors, their legal heirs including the petitioner executed a partition deed dated 20.03.2012 and presented the same before the



second respondent for registration. Though the second respondent provided a temporary document number, citing the pendency of the suit, he has not registered the partition deed. Hence, the petitioner on 11.03.2017 sent a representation to the respondents. Since no action has been taken on the representation, the petitioner is before this Court.

5. It is the specific case of the petitioner that though the suit is pending, no prohibitory order is passed by the civil Court. Hence, there is no impediment for the second respondent to register the deed. Whereas the learned Additional Government Pleader appearing for the respondents would submit that appropriate action would be taken in this regard.

6. Under such circumstances, this Court, without going into the merits of the matters, directs the respondents to consider the petitioner's representation dated 11.03.2017 requesting to register the partition deed and take appropriate action considering the fact that there is no prohibitory order passed by any of the competent civil Courts. Such an exercise be completed within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar Office,
Pudhukottai District.
2. The Sub Registrar,
Sub District Registrar Office,
Pudhukottai District.

+ 1 cc TO Mr.R.Maheswaran , Advocate in SR No. 88323

dsk

AE/SKN RSK/SAR1/06.12.2017/2P/4C