



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.12539 of 2018

and

W.M.P. (MD) No.11407 of 2018

1.P.Siva Kumar
2.P.Suresh
3.S.Promodhini
4.S.Kanchana

: Petitioners

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Sivakasi,
Virudhunagar District.

: Respondent

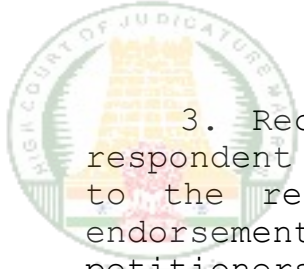
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the respondent dated 30.04.2018 in Check Slip No.2/2018 and quash the same and consequently, direct the respondent to receive and register the memorandum of partition deed dated 26.04.2018 executed among the petitioners within a time frame to be fixed by this Court by accepting payment of stamp duty, registration fee and other incidental charges.

For Petitioners : Mr.N.Dilip Kumar
For Respondent : Mr.M.Murugan,
Government Advocate

ORDER

The petitioners presented a deed of partition for registration to the respondent. The respondent refused to register the same on the ground that the property involves house site plots in an unapproved layout. As per Section 22-A(2) of the Registration (Tamil Nadu Amendments) Act, 2008, the unapproved layout shall not be registered. Aggrieved over the same, the petitioners are before this Court.

2. The learned counsel for the petitioners would contend that it is only a simple partition deed and the petitioners have no intention to sell away the housing plots allotted to their share. In the event of sale, they undertake that they will take appropriate lay out approval with the authorities concerned in accordance with law and only thereafter, they will sell it and that they will not take advantage of the present registration of partition deed.



3. Recording the submission, the impugned proceedings of the respondent dated 30.04.2018 is set aside and a direction is issued to the respondent to receive the document and after taking an endorsement of this undertaking in the deed of partition from the petitioners, consider the registration of the document.

4. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

The Sub-Registrar,
Office of the Sub-Registrar,
Sivakasi,
Virudhunagar District.

+1cc to Mr.N.Dilip Kumar, Advocate, SR.No.69683.
+1cc to Special Government Pleader, SR.No.69608.

Order made in
W.P(MD)No.12539 of 2018
Dated: 22.06.2018

sml

RAM/SV/SAR 2/02.07.2018/2P/4C