

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29838 of 2016

1.M.Prabhavathi
2.T.Kuppusamy

... Petitioners

Vs.

1.The District Collector,
Collectorate Office,
Rajaji Salai, Chennai - 600 001.

2.The Sub Registrar,
Office of the SRO Madhavaram,
Chennai - 600 060.

3.S.Sampathkumar
4.C.Giridharan

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 17.06.2016 to hold an enquiry and annul the Partition Deed registered as Document No.4441/2015 dated 15.05.2015 registered in the Office of the Sub Registrar, Madhavaram, Chennai executed by the respondents 3 & 4 by fraud and misrepresentation in their favour.

For Petitioners : Mr.P.Ravi Shankar Rao

For Respondents : Mr.P.P.Purushothanan

Government Advocate For R1 & R2
R3 & R4 - no appearance

O R D E R

The petitioners has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 17.06.2016 to hold an enquiry and annul the Partition Deed dated 15.05.2015 registered in the Office of the 2nd respondent by the respondents 3 & 4 by fraud and misrepresentation.

2.Since the petitioners are seeking to cancel the Partition Deed dated 15.05.2015, the respondents 1 & 2 have no jurisdiction to do so.

3.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents 1 & 2 submitted that the remedy

open to the petitioners is only to approach a Competent Civil Court.

4.I fully agree with the submission made by the learned Government Advocate appearing for the respondents 1 & 2.

5.In view of the same, the prayer sought for in the Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to file a Civil Suit seeking for cancellation of the Partition Deed before a Competent Civil Court. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va
To

1.The Inspector General of Registration
No.100, Santhosme High Road
Sathome , Chennai -600 004

2.The Sub Registrar,
Office of the SRO Madhavaram,
Chennai - 600 060.

+1 cc to M/s.P.Ravishakar Rao, Advocate Sr.No. 31580

+1 cc to The Government Pleader, Sr.No. 31706

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NRJK (CO)
RMP (14/10/2020)

सत्यमेव जयते

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