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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28883 of 2013

K.S.Manickam Reddy

...Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 28.

2. The District Registrar,
(North Chennai),
O/o. The District Registrar,
Chennai.

3. The Sub Registrar,
Ponneri, Tiruvallur District.

4.S.Ponnysamy Reddy

5.S.Arumugham

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 09.05.2013 and thereby direct the first petitioner's land in Survey No.317/1 from the extent of 3 cents into 2 cents in Document No.119/1993 dated 28.01.1993 and restore the original extent of the land in the name of the petitioner as per the Document No.119/1993 dated 28.01.1993.

For Petitioner : No Appearance

For Respondents : Mr.Richardson Wilson,
1 to 3 Government Advocate

For Respondents : Mr.R.Krishnaswamy
4 & 5



O R D E R

This writ petition has been filed to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 09.05.2013 and thereby direct the first petitioner's land in Survey No.317/1 from the extent of 3 cents into 2 cents in Document No.119/1993 dated 28.01.1993 and restore the original extent of the land in the name of the petitioner as per the Document No.119/1993 dated 28.01.1993.

2. The case of the petitioner is that the petitioner's father owned the property comprised in Survey Nos.317/1 and 317/3B and also in other Survey Numbers at Naloor Village, Ponneri Taluk, Tiruvallur District. After the death of his father, the petitioner and his brothers partitioned the said properties by the partition deed dated 28.01.1993 registered vide Document No.119 of 1993 before the Sub Registrar, Ponneri / third respondent. In the said partition deed the 'A' schedule of property was allotted in favour of the petitioner's elder brother Ponnusamy Reddy, 'B' schedule of property was allotted in favour of the petitioner and 'C' schedule of property was allotted in favour of the petitioner's younger brother.

3. After the partition of property they were taken possession of their respective share and they are in possession and enjoyment of their respective shares as per the partition deed. While being so, the fifth respondent is the younger brother of the petitioner had attempted to interfere the peaceful possession and enjoyment of the petitioner's share by saying that the petitioner was allotted only 2 cents in Survey No.317/1 and not 3 cents. According to the petitioner, he was given 3 cents as per the partition deed. Immediately, he verified the third respondent and obtained a certified copy of the partition deed dated 28.01.1993 and found that he was allotted only 2 cents instead of 3 cents and it was also changed to that extent.

4. Therefore, the petitioner submitted representation to take action as against the third respondent. There is any error in the partition deed the petitioner has to take necessary steps with his brothers to present the rectification deed to rectify the mistake in the partition deed dated 28.01.1993. Whatever the document submitted before the third respondent accordingly, it was registered. Therefore, the representation of the petitioner seeking direction to take action as against the third respondent cannot be considered. Therefore, this writ petition is devoid on merits and liable to be dismissed.

5. However, the petitioner is at liberty to take appropriate steps to rectify the mistakes found in the partition deed dated



28.01.1993 in the manner known to law.

6. Accordingly, this writ petition is dismissed. No order as to costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 28.
2. The District Registrar,
(North Chennai),
O/o. The District Registrar,
Chennai.
3. The Sub Registrar,
Ponneri, Tiruvallur District.

+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.55301

W.P.No.28883 of 2013

NMI (CO)
RGA (24/11/2021)