



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.NO.19167 OF 2021

M.Chinnasamy

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.

2. The District Registrar,
Office of the District Registrar,
Dharmapuri - Hogenakkal Road,
Dharmapuri - 636 810.

3. The Sub Registrar,
Office of the Sub Registrar,
Back to BDO Office,
Vellaiyankottavoyur,
Karimangalam,
Palacode Taluk,
Dharmapuri District 635 111.

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to register the partition deed executed by the petitioner on 27.07.2021.

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



WEB COPY

ORDER

This writ petition is filed for direction directing the third respondent to register the partition deed executed by the petitioner on 27.07.2021.

2. Heard, Mr.M.D.Thirunavukkarasu, the learned counsel for the petitioner, and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that his father purchased the property admeasuring 80 cents comprised in survey No.80/2 situated at Bommahalli Village, Karimangalam Taluk, Dharmapuri District by registered sale deed dated 22.06.1992 vide document No.390 of 1992 from one, Dhanakodi. After the petitioner's father's demise, the petitioner and other legal heirs decided to partition the property and accordingly partitioned and executed partition deed in respect of property comprised in survey No.80/2. The said partition deed was presented on 27.07.2021 for registration before the third respondent. However, the third respondent refused to receive the same for the reason that already the said property was sold out to another person and there is encumbrance.

4. On instruction from the third respondent, the Special Government Pleader submitted that the said Dhanakodi i.e. the vendor of the petitioner's father also sold out a part of the land comprised in survey No.80/2 in favour of one, Thennarasu to an extent of 1.12 acres comprised in survey No.80/2A and the property comprised in survey No.80/2B to an extent of 38 cents in favour of third person.

5. However, the third respondent without even receiving the document, cannot refuse the same without any reason. Considering the same, the petitioner is directed to re-present the partition deed dated 27.07.2021 for registration and on receipt of the same, the third respondent is directed to pass appropriate orders either to register the same or to reject the same.

6. With the above directions, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

lok



To

1. The Inspector General of Registration,
Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.
2. The District Registrar,
Office of the District Registrar,
Dharmapuri - Hogenakkal Road,
Dharmapuri - 636 810.
3. The Sub Registrar,
Office of the Sub Registrar,
Back to BDO Office,
Vellaiyankottavoyur,
Karimangalam,
Palacode Taluk,
Dharmapuri District 635 111.

+1cc to the Government Pleader, S.R.No.67033

WP.No.19167 of 2021

SRA(CO)
PM/28/12/2021