



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34469 of 2018

C.Dhanalakshmi

... Petitioner

-Vs-

1. The Inspector General of Registration,
Kamarajar Salai, Santhome,
Chennai.

2. The Sub Registrar,
Virugambakkam,
Chennai.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in No.RFL/Virugambakkam/3/2018, dated 16.11.2018 on the file of the second respondent, quash the same and direct the respondents to receive and take necessary steps for registration of the Deed of Release dated 14.08.2018 executed by the petitioner and her sister C.Sasikala in favour of their mother C.Suriya relating to the property viz.,1/6 undivided share in all that property land and building bearing Door No.1/30, Pillaiyar Koil Street, (on the southern side) and bearing Old Door No.30, New Door No.2, Othavadai Street, (on the Northern side) comprised in S.No.118/1, Nesapakkam Village, Mambalam Guindy Taluk, Chennai District, within the limits of Corporation of Chennai of the total extent of 9 cents (3924 sq.ft) within the time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in No.RFL/Virugambakkam/3/2018, dated 16.11.2018 on the file of the second respondent, quash the same and direct the respondents to



receive and take necessary steps for registration of the Deed of Release dated 14.08.2018 executed by the petitioner and her sister C.Sasikala in favour of their mother C.Suriya relating to the property viz., 1/6 undivided share in all that property land and building bearing Door No.1/30, Pillaiyar Koil Street, (on the southern side) and bearing Old Door No.30, New Door No.2, Othavadai Street, (on the Northern side) comprised in S.No.118/1, Nesapakkam Village, Mambalam Guindy Taluk, Chennai District, within the limits of Corporation of Chennai of the total extent of 9 cents (3924 sq.ft) within the time frame as fixed by this Hon'ble Court.

2. Heard Mr.V.G.Suresh Kumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The property comprised in Door No.1/30, Pillaiyar Koil Street, (on the southern side) and bearing Old Door No.30, New Door No.2, Othavadai Street, (on the Northern side) comprised in S.No.118/1, Nesapakkam Village, Mambalam Guindy Taluk, Chennai District, within the limits of Corporation of Chennai of the total extent of 9 cents (3924 sq.ft) was acquired by the petitioner's grand father by the release deed dated 25.08.1952, registered vide Document No.2760 of 1952. The petitioner's grand father died intestate on 02.05.1973 leaving behind his wife, sons and daughters as his legal heirs to succeed to the subject property. The petitioner's father i.e. D.Chandran, died on 14.11.1990 and another son of the petitioner's grand father also died on 12.02.2003, leaving behind his legal heirs. Therefore, all the legal heirs have inherited 1/6th undivided share in the subject property being the Class I legal heirs. However, other legal heirs of the deceased grand father had entered into a partition deed, dated 14.11.2005, registered vide Document No.6120 of 2005 between themselves without allotting any share to the petitioner's family. In pursuant to the said partition deed, one of the legal heir also executed a sale deed.

4. Therefore, the petitioner and his family members filed a suit for partition in O.S.No.3260 of 2013 and the same was decreed on 06.06.2014, declaring their 1/6th undivided share in the subject property in their favour. They also filed an application in I.A.No.3600 of 2015 for final decree and the same was also decreed on 07.11.2016. On the strength of the final decree, the petitioner and her sister have executed a release deed, dated 14.08.2018 in favour of their mother releasing and relinquishing their un-divided 2/18 share in the subject property.

5. The said document of release was presented before the second respondent for registration. However, it was returned by



the impugned check slip, dated 16.11.2018, for the reason that no proper title deed is given and Patta / House Tax receipt also not produced.

6. Whereas, the case of the petitioner is that the petitioner and his family are co-parceners in the subject property, all the original documents and title deeds are in possession of the other co-parceners. Therefore, the petitioner is unable to produce the original title deed before the second respondent.

7. Considering the above, the petitioner is directed to re-present the deed for registration along with a certified copy of the partition deed and other title deed if any. On receipt of the same, the second respondent is directed to register and release the same, if it is otherwise in order.

8. Therefore, the records pertaining to the Refusal Check Slip in No.RFL/Virugambakkam/3/2018, dated 16.11.2018, on the file of the second respondent is hereby quashed.

9. With the above directions, this writ petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Kamarajar Salai, Santhome,
Chennai.
2. The Sub Registrar,
Virugambakkam,
Chennai.

+1cc to Mr.V.G.Suresh Kumar, Advocate, S.R.No.68596
+1cc to the Government Pleader, S.R.No.69522

W.P.No.34469 of 2018

SJD(CO)
CT 20/01/2022