



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17192 of 2021

K.Sivanandam

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.120, Santhome High Road, Chennai-28.

2.The Deputy Inspector General of Registration,
Registration Office,
Thanjavur.

3.The District Registrar,
Registration Office,
Thanjavur.

4.The Sub-Registrar,
Karunthattankudi Registration Office,
Sivagangai Garden,
Thanjavur.

... Respondents

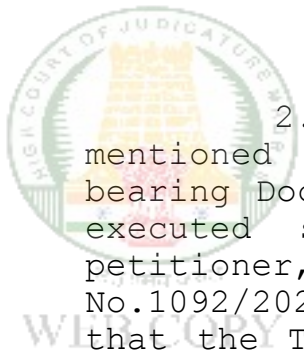
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to entertain the rectification deed dated 30.04.2021 executed by the petitioner's wife in favour of the petitioner and to register the same in respect of the property admeasuring a total extent of 1624 Square feet in Survey No.1018/1, Selliyanman Kovil Street, Karunthattankudi, Municipal 2nd Ward, Thanjavur Town within the stipulated time fixed by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the fourth respondent to receive and register the rectification deed dated 30.04.2021, which was executed by the petitioner's wife in favour of the petitioner with regard to the property bearing Survey No.1018/1 of an extent of 1624 Square feet at Selliyanman Kovil Street, Karunthattankudi, Municipal 2nd Ward, Thanjavur Town.



2. The petitioner states that his wife purchased the above mentioned property by a registered sale deed dated 15.12.1994, bearing Document No.1619/1994. Subsequently, the petitioner's wife executed settlement deed dated 22.06.2020 in favour of the petitioner, and the said document was registered as Document No.1092/2020. While executing the settlement deed, it is stated that the Town Survey Number was inadvertently mentioned as 1018/2 instead of 1018/1. The petitioner asserts that the said error is neither wilful nor wanton but is a typographical error. In support of such submission, the petitioner refers to the sale deed in favour of his wife, which indicates the Survey Number as 1018 and specifies an extent of 1624 Square feet as well as the boundaries of the property. In addition, the petitioner cites the extract of the Town Survey Land Record which shows the petitioner's wife as the owner of the property bearing Survey No.1018/1 and not 1018/2.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the fourth respondent may be directed to consider the request for registration of the rectification deed subject to payment of the requisite stamp duty and registration fees.

4. Upon perusal of the documents enclosed by the petitioner, it appears that the sale deed in favour of his wife was in respect of a property admeasuring 1624 Square feet. At the relevant point of time, it appears that Town Survey No.1018 had not been sub-divided and, therefore, the said sale deed does not indicate the sub-divided number. However, as contended by the petitioner, the extract from the Town Survey Land Register indicates that the petitioner's wife was the owner of the property bearing Town Survey No.1018/1. Indeed, the petitioner has also enclosed the extract from the Town Survey Land Register as regards the property bearing Survey No.1018/2 which indicates that the owner thereof is one Janakiammal. On the basis of these documents, the petitioner is entitled to a consideration of the request for registration of the rectification deed. In this regard, it may be noted that there is no variation in the extent of the relevant property as a consequence of the rectification. It also does not appear that there is any variation in boundaries. However, this aspect may be examined by the fourth respondent.

5. Subject to the above observations, the petitioner is permitted to re-submit the relevant rectification deed for registration. Such rectification deed shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the fourth respondent is directed to receive the same without going into the aspect of limitation under Section 23 of the Registration Act, 1908 in view of the fact that the relevant document had been presented earlier for registration. The fourth respondent herein is directed to consider the request for



this order and dispose of such request within a period of one (1) month from the date of receipt of the re-submitted document.

6. W.P.(MD).No.17192 of 2021 is disposed of on these terms without any order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector General of Registration,
Registration Department,
No.120, Santhome High Road,
Chennai-28.
- 2.The Deputy Inspector General of Registration,
Registration Office,
Thanjavur.
- 3.The District Registrar,
Registration Office,
Thanjavur.
- 4.The Sub-Registrar,
Karunthattankudi Registration Office,
Sivagangai Garden,
Thanjavur.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-30274[F] dated 27/09/2021)

+1 CC to M/s.SPL.GP (SR-30340[F] dated 27/09/2021)

**W.P (MD) No.17192 of 2021
24.09.2021**