



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4621 of 2022

D.Karthick

...Petitioner

Vs.

Sub Registrar,
The Office of the Sub Registrar,
Thiruchengode - 637 211.
Namakkal District.

...Respondent

PRAYER : The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari or Mandamus or any other writ order or direction to call for entire records pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Thiruchengode/7/2022, dated 02.02.2022, passed by the respondent and to quash the same as illegal, incompetent and ultra-vires and consequently direct the respondent to register the partition deed presented by the petitioner for registration without insisting for the production of previous original document within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Lokesh

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader

O R D E R

Writ Petition has been filed seeking the relief of quashment of the impugned order dated 02.02.2022, passed by the respondent and a direction to the respondent to register the partition deed presented by the petitioner for registration without insisting for the production of previous original document within the time stipulated by this Court.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondent.



3. The case of the petitioner is that he is the resident of the subject property and living with his family. The petitioner's father had acquired the property by way of a registered settlement deed to an extent of 0.40-3/4 cent of land (Item No.1) in SF.No.233/1, in Marapparai South village, Thiruchengode Taluk, Namakkal District and registered in respondent office on 18.07.1995. Thereafter, revenue records had been mutated and joint patta stands in the name of the petitioner's father vide Patta No.543. Due to settlement talks between the family members, the petitioner's family had decided to arrange partition deed among the petitioner, his father and sister. Therefore, a partition deed dated 28.10.2021 have been prepared and presented for registration with all the required documents before the respondent. Due to inadvertent mistake and change of house in the village, the parent document has been misplaced and it could not be traced out. While being so, the respondent office has refused to register the document and returned the partition deed and the petitioner was asked to produce the document along with previous parent document. Hence, the present petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondent to register the partition deed presented for registration and dispose of the same in accordance with law within a particular time frame fixed by this Court.

5. The learned Special Government Pleader appearing for the Respondent has no objection to the said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to register the partition deed presented by the petitioner for registration on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgi/nhs



To

Sub Registrar,
The Office of the Sub Registrar,
Thiruchengode - 637 211.
Namakkal District.

+1cc to Mr.M.Lokesh, Advocate, S.R.No.14534

+1cc to the Government Pleader, S.R.No.15029

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PA (CO)
RVM(24/03/2022)