



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8125 of 2022

R.Ankammal

... Petitioner

Vs.

1.The District Registrar,
No.2, Joint Registrar Office,
Myladudurai, Nagipattiam District.

2.R.Rajeswari

3.R.Shanmugavadivu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the 1st respondent to made the amendment in the description of property portion particularly to amend the New Survey Number as 544/87 instead of Survey No.544/89 in the petitioner's purchase deed in Doc.No.1807/2007 dt 15.11.2007 of the 1st respondent's registration office based upon the petitioner's representation dt 06.12.2021.

For Petitioner : Mr.C.S.Ravichandran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 1st respondent to made the amendment in the description of property portion particularly to amend the New Survey Number as 544/87 instead of Survey No.544/89 in the petitioner's purchase deed in Doc.No.1807/2007 dt 15.11.2007 of the 1st respondent's registration office based upon the petitioner's representation dt 06.12.2021.



2. The learned Special Government Pleader takes notice for the official respondent. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner and 2nd respondent are wives of one Ramasamy. The said Ramasamy own a property in Nagapattinam District in Mayladudurai Taluk in Maanalmedu comprising in Old Survey No.544/7, New Survey No.544/89 to an extent of 171 Sq.Mtr. The said Ramasamy has allotted the said property to the family partition in the year 2007. The petitioner had paid a sum of Rs.50,000/- to the 2nd and 3rd respondents and got registered the conveyance deed in respect of the above said property in vide Document No.1807/2007, in order to avoid the unnecessary conflict from the 2nd and 3rd respondents. However, the house property was wrongly mentioned as New Survey No.544/89, instead of 5444/87. Thereafter the petitioner made representation to the 1st respondent on 04.12.2021, to made the amendment in the description of property portion. Since no order was passed by the 1st respondent, the petitioner sent a legal notice to the 2nd and 3rd respondents on 18.08.2021. However, the 2nd and 3rd respondents have not presented the rectification deed. Hence, this Writ Petition is filed with the aforesaid prayer.

4. The learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation, dated 06.12.2021, and pass orders within a reasonable time that may be fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the official respondent submitted that the petitioner claims that there was an error in the said document purchased by the petitioner. If such error has to be curbed by way of rectification deed, that rectification has to be presented by the petitioner and private respondents. Instead of filing a rectification deed the petitioner sending representation to the 1st respondent for amendment is not sustainable. There is no provision available to the 1st respondent to amend the error in the Sale Deed. Hence, the prayer sought for in this petition cannot be granted. Accordingly, he prayed for dismissal of this petition.



6. The facts in the present case is not in dispute, admittedly, the petitioner purchase the property from the 2nd and 3rd respondents and he further claims that there was an error in the survey numbers. It has to be rectified only by way rectification deed. Instead of filing rectification deed by the petitioner and private respondents, sending representation to the 1st respondent, for amendment in the document is not sustainable and there is no provision available to the 1st respondent for amending the document. Hence, the prayer sought for in this petition cannot be granted.

7. With the above observation, this Writ petition is dismissed. No costs. However, liberty is granted to the petitioner to work her own remedy in the manner known to law.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Psa
To

The District Registrar,
No.2, Joint Registrar Office,
Myladudurai, Nagipattiam District.

+lcc to Mr.C.S.Ravichandran, Advocate Sr.23755
+lcc to the Government Pleader Sr.23841

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srg 20/04/2022