



W.P.No.27514 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.27514 of 2021

1.S.Ramasamy

2.L.Lakshmi

3.R.Venkatachalam

... Petitioners

Vs.

1.The Sub Registrar,
Tiruchengode SRO,
Tiruchengode,
Namakkal District.

2.Varudhayee

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Refusal Check Slip in RFL/Tiruchengode/93/2021, dated 06.10.2021 passed by the 1st respondent, quash the same and consequently, direct the 1st respondent to register the Release Deed dated 05.08.2021 executed by the petitioners 1 and 2 in favour of the 3rd petitioner and release the original document.

For Petitioners	:	Mr.N.Manoharan
For R1	:	Mr.C.Kathiravan
		Special Government Pleader



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus to call for the records relating to the impugned order made in Refusal Check Slip in RFL/Tiruchengode/93/2021, dated 06.10.2021 issued by the 1st respondent, quash the same and consequently, direct the 1st respondent to register the Release Deed dated 05.08.2021 executed by the first and second petitioners in favour of the third petitioner and release the original document.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioners is that the first petitioner's father, Late Seeranga Nadar had purchased the properties comprised in S.F.Nos.325/2, 326/1 and 326/2, under a Sale Deed, dated 30.05.1969, registered as Doc.No.999 of 1969, situated at Kilapalayam Village, Tiruchengode Taluk, Namakkal District. The petitioners have inherited the aforesaid properties and the Patta was also issued in the name of the petitioners and one Palaniammal, who is the daughter of first petitioner's



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brother. Further, the first and second petitioners have jointly executed a partition-release-deed in favour of third petitioner, and the same was also presented before the first respondent on 05.08.2021. However, the said document was refused to be registered on the ground that the second respondent claims that she is also a daughter of above said Seeranga Nadar, and a Suit was also filed in O.S.No.17 of 2018 on the file of learned Sub Court, Tiruchengode against the petitioners, thereby, the first respondent issued the refusal check slip dated 06.10.2021. Challenging the same, the petitioners have filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the first respondent to register the release deed, dated 05.08.2021 presented by the petitioners, within a particular time frame that may be fixed by this Court.

5. Heard the learned counsel for the petitioners as well as the learned Special Government Pleader appearing for the first respondent and perused the materials available on record.



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6. On a perusal of the records, it reveals that as against the impugned order passed by the first respondent/Sub Registrar, there is an effective remedy available before the appellate authority, namely District Registrar in terms of Section 72 of the Registration Act. Hence, the prayer sought for in this Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed, granting liberty to the petitioners to work out their remedy in the manner known to law. However, the period of litigation pending before this Court is excluded for the purpose of limitation, if any.

No costs.

10.11.2022

Index: Yes/No

Speaking Order : Yes/ No

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Note: Registry is directed to return the original impugned order to the petitioners to enable them to file appeal before the appellate authority.

To

The Sub Registrar,
Tiruchengode SRO,
Tiruchengode,
Namakkal District.



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M.DHANDAPANI, J.
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