



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28496 of 2021
and
WMP.No.30094 of 2021

Malarkodi

...Petitioner

Vs

The Sub Registrar,
3/156, Salt Road,
Cheyyur,
Chengalpattu District 603 302

...Respondent

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned refusal slip in Refusal No.RFL/Cheyyur/141/2021 dated 13.12.2021 issued by the respondent and quash the same insofar as the production of the original document (Will) is concerned as illegal and consequently direct the respondent to register the partition deed in TP/107934216/2021 presented by the petitioner for registration without insisting for the production of original registered Will dated 04.06.2003 executed by the mother of the petitioner Mrs.S.Janakiammal, in Document No.17/2003, in light of the order made by this Court in K.S.Vijayandran Vs. IG of Registration 2011 (2) LW 648, which has been followed in W.P. (MD) No.19745 of 2020 within a time frame as deem fit and proper by this Court.

For Petitioner : Mr.G.Bala

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned refusal slip in Refusal No.RFL/Cheyyur/141/2021 dated 13.12.2021 issued by the respondent and quash the same insofar



as the production of the original document (Will) is concerned as illegal and consequently direct the respondent to register the partition deed in TP/107934216/2021 presented by the petitioner for registration without insisting for the production of original registered Will dated 04.06.2003 executed by the mother of the petitioner Mrs.S.Janakiammal, in Document No.17/2003, in light of the order made by this Court in K.S.Vijayandran Vs. IG of Registration 2011 (2) LW 648, which has been followed in W.P.(MD) No.19745 of 2020 within a time frame as deem fit and proper by this Court.

2. The petitioner's mother owned vacant land admeasuring 18 cents comprised in old survey No.240/9, new survey no.240/9A in patta No.726 situated at No.56, Kadukalur Revenue Village in Nallur Village, Edaikazhinadu Town Panchayat, Cheyyur Taluk, Chengalpattu District. She acquired the said property by the family settlement / partition on 29.03.1992 registered vide document No.618 of 1992. While she was alive, she executed Will for 9 cents of land each in favour of the petitioner and her sister dated 04.06.2003. The said Will was misplaced during her life time. According to the Will dated 04.06.2003, the petitioner and her sister agreed to partition the property left to them by her mother and executed partition deed dated 13.12.2021 and presented for registration before the respondent. However, it was refused to be received by the impugned check slip for the reason that the original document not produced.

3. Considering the above, the impugned refusal slip in Refusal No.RFL/Cheyyur/141/2021 dated 13.12.2021 is set aside and the petitioner is directed to lodge complaint before the jurisdictional Police Station forthwith and on receipt of the same, the Police Station concerned is directed to issue Non Traceable Certificate after paper publication. Thereafter, the petitioner is directed to re-present the partition deed for registration along with certified copy of the Will dated 04.06.2003 and the Non Traceable Certificate issued by the Police Station concerned. On receipt of the same, the respondent is directed to register and release the same to the petitioner, if it is otherwise in order.

4. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar



lok

To

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The Sub Registrar,
3/156, Salt Road,
Cheyyur,
Chengalpattu District 603 302.

+1cc to Mr.G.Bala, Advocate, S.R.No.771
+1cc to the Government Pleader, S.R.No.1637

WP.No.28496 of 2021

RGN[co]
NSK 11/02/2022