



W.P(MD)No.23502 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23502 of 2015

1.Inbaraja

2.Iniyaraja

... Petitioners

Vs.

1.The District Registrar,
Madurai.

2.The Sub Registrar,
Sindhupatty,
Madurai District.

3.Jeyammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent relating to Mu.Mu.No.99 of 2015 dated 09.11.2015 and quash the same as illegal and arbitrary and consequently direct the second respondent to accept the document release deed dated 06.11.2015 and register the same in accordance with law.



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For Petitioners : Mr.P.Ganapathi Subramanian
For R1 & R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R3 : No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which a release deed presented by the writ petitioners was rejected at the instance of the third respondent herein.

2. According to the petitioners, the property was originally owned by his grand father, namely Angappa Thevar. The said Angappa Thevar had died on 29.04.1990 leaving behind the petitioners' father Periyasamy and the third respondent herein. Thereafter, according to the learned counsel for the petitioners, the properties have been orally partitioned between the said Periyasamy and the third respondent herein. The property in dispute was allotted to the share of Periyasamy, who is the father of the writ petitioners. After the death of Periyasamy, the female



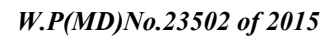
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legal heirs of the said Periyasamy have executed a release deed in favour of the writ petitioners. The said release deed was presented for registration before the second respondent herein. However, the third respondent, who is the aunt of the writ petitioners has lodged an objection that she is also entitled to a share and hence, the release deed should not be registered. Based upon the objections raised by the third respondent, the present impugned order has been passed returning the document. This order is under challenge in the present writ petition.

3. According to the learned counsel for the petitioners, based upon the oral partition, the property has been allotted to the share of their father, Periyasamy and hence, the release deed executed within the branch of Periyasamy cannot be objected to by the third respondent.

4. Though notice was served upon the third respondent, there is no appearance on the side of the third respondent.

5. Whether there was no oral partition or the third respondent still continues to have a share in the property in dispute has to be adjudicated



6. In view of the above said facts, the order impugned in the writ petition is set aside. The second respondent is directed to register the deed, if it is otherwise in order.

No costs.

20.10.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Order made in
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