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Writ Petition No.6123 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :01.03.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.6123 of 2023**

M.Chinnadurai

... Petitioner

-Vs-

1. The District Registrar (Salem West),  
No.313, 3<sup>rd</sup> Floor,  
District Registration Office Campus,  
Salem Collectorate Building,  
Kottai Main Road, Salem – 636 001.

2. The Sub-Registrar,  
Magudanchavadi Sub-Registrar Office,  
Sankari Taluk, Salem District.

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to accept the partition deed dated 08.02.2023 for registration thereby considering the petitioner's application for registration Token Receipt No.TP/142992003/2023, dated 07.02.2023 on the file of S.R.O. Magudanchavadi, Salem District within a stipulated time fixed by this Court.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.P.Sathish  
Additional Government Pleader



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**ORDER**

The prayer sought for herein is for a writ of mandamus directing the 2<sup>nd</sup> respondent to accept the partition deed dated 08.02.2023 for registration thereby considering the petitioner's application for registration Token Receipt No.TP/142992003/2023, dated 07.02.2023 on the file of S.R.O. Magudanchavadi, Salem District within a stipulated time fixed by this Court.

2. The petitioner presented a partition deed dated 08.02.2023 for registration however, the same has not been accepted and returned along with the token dated 07.02.2023 by the second respondent. Therefore, seeking mandamus to that effect, the petitioner has moved the present writ petition.

3. Heard Mr.N.Vijaya Basker, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

4. Learned Additional Government Pleader appearing for the



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respondents would submit that, whatever document presented for registration, the same shall be first received by the said Registrar concerned and thereafter, it would be scrutinized and if it is in order it would be accepted for registration, otherwise the same may be refused under Section 71 of the Registration Act, 1908 by issuing refusal check slip.

5. Considering the said submission made by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following order:

- ◆ That there shall be a direction to the second respondent to receive the document of partition dated 08.02.2023 to be presented by the petitioner, which the petitioner shall present before the second respondent within a period of two weeks from the date of receipt of a copy of this order, thereafter scrutinize the same and if it is otherwise in order for the purpose of registration, the same shall be registered, otherwise, the second respondent wants to refuse the said document within the meaning of Section 71 of the Registration Act, 1908, it is open to him to do the same by giving



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refusal check slip with reasons.

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- ◆ The needful as indicated above shall be undertaken by the second respondent within a period of four(4) weeks thereafter.

With this direction, this writ petition is disposed of. No costs.

**01.03.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
mp

To

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**R. SURESH KUMAR, J.**



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