



WEB COPY



W.P.No. 13354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13354 of 2023

S.Priya

... Petitioner

Vs

1.The Sub Registrar,
Pennadam Sub Registrar Office,
Cuddalore District.

2.Thilakam

3.Karpakavalli

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the representation dated 13.02.2023 submitted by the petitioner in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.T.Arunkumar

Additional Government Pleader for R1

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to consider the representation dated 13.02.2023 submitted by the petitioner for the purpose of registering a partition deed.



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2. The learned counsel for the petitioner states that a deed of partition was presented before the 1st respondent to share the family properties between the petitioner and the respondents 2 and 3. The 1st respondent has refused to register the deed on the ground that the respondents 2 and 3 also should be present before the Office for the purpose of registration. In this regard, the petitioner submitted a representation which was not considered and thus the petitioner is constrained to move the present writ petition.

3. Mere submission of representation would not provide a cause for filing a writ petition to consider the relief. The petitioner necessarily has to establish her right for grant of relief and in the present case, the petitioner admittedly submitted a document i.e. partition deed for registration. To register the partition deed, the parties to the documents are to be present before the concerned Sub Registrar and expressed their willingness for the purpose of registration by putting signatures and by following the other procedures as contemplated.



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4. The learned Additional Government Pleader appearing on behalf of the 1st respondent made a submission that the respondents 2 and 3 were not willing to register the partition deed and therefore the Sub Registrar has not registered the document based on the request made by the petitioner.

5. In the event of any dispute between the family members, the petitioner has to approach the competent Civil Court of law for the purpose of establishing her right or to seek for partition. However, the Sub Registrar cannot register the partition deed unless all the parties are present and express their consent for such registration. The procedures as contemplated for registration are to be scrupulously followed by the 1st respondent and in the present case, the 1st respondent has not violated any of the procedures and thus the petitioner has failed to establish even a semblance of legal right for the purpose of considering the relief, accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

01.06.2023

Index : Yes/No
Speaking Order : Yes/No
Sgl

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S.M.SUBRAMANIAM, J.

Sgl

To

The Sub Registrar,
Pennadam Sub Registrar Office,
Cuddalore District.

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