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W.P.(MD)No.367 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.367 of 2023

Karuppiah

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Theni, Theni District.

2.The Sub Registrar,
O/o. Sub Registrar,
Bodi Nayakkanur Registration Office,
Theni District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records, pertaining to the impugned refusal check slip RFL No.21/2022 dated 09.12.2022, passed by the 2nd respondent and to quash the same as arbitrary and consequently to direct the 2nd respondent to register the partition deed document dated 30.11.2022, executed by the petitioner, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Raghul

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

* * *

**ORDER**

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Heard the learned counsel on either side.

2.The petitioner presented the petition mentioned partition deed for registration. The Registering authority declined to entertain the same. He instead issued the impugned refusal check slip.

3.The reasons set out in the refusal check slip do not appear to be sound. However, the petitioner will have to necessarily adopt the procedure set out in the third proviso to Rule 55(a) of the Registration Rules. The petitioner admits that the original parent deed has gone missing. Therefore, the petitioner has to lodge a complaint before the jurisdictional police. If any such complaint is lodged, the jurisdictional police, after conducting enquiry shall issue non traceable certificate to the petitioner. The petitioner shall also cause paper publication notifying the loss of the parent document. With these two documents namely non traceable certificate and paper publication, the petitioner shall represent the partition deed for registration before the second respondent. The second respondent shall receive it, register it and release it, subject to fulfilment of the other usual formalities. The partition deed shall contain



the recital that the original parent deed has not been deposited by way of mortgage by the parties to the documents.

4. With the above said direction, this writ petition is disposed of. No costs.

23.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

1. The District Registrar,
District Registrar Office,
Theni, Theni District.
2. The Sub Registrar,
O/o. Sub Registrar,
Bodi Nayakkanur Registration Office,
Theni District.



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4

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G.R.SWAMINATHAN,J.

pnn

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