



W.P.(MD)No.13924 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13924 of 2021

Vasanthi

... Petitioner

Vs

1.The District Registrar
District Register Office,
58/1, Cutchery Road,
Virudhunagar-626 001.

2.The Joint-1 Sub-Registrar,
Sub-Register Office,
58/1, Cutchery Road,
Virudhunagar-626 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to rectify the 2 3/4 feet as a own Pathway instead of 2 feet pathway mentioned as per the Court order in O.S.No.301/1966 on the file of the District Munsif Court, Sattur and registered in vide document No.1156/2019 and based on the petitioner's representation dated 29.07.2021.

For Petitioner : Mr.A.Vadivel

For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader



WEB COPY



W.P.(MD)No.13924 of 2021

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to consider the representation made by the petitioner on 29.07.2021, wherein, the petitioner is seeking for the rectification of the document based on the Decree passed by the Civil Court in O.S.No.301 of 1966.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner is that the subject property was purchased by her mother through a registered sale deed in the year 1966. A civil suit came to be filed in O.S.No.301 of 1966 before the District Munsif Court, Sattur and there was some compromise between the parties and this was recorded and the suit was closed. As per this compromise, the mother of the petitioner was given an equal share in the property. The mother had given her share to her children. The brother of the petitioner settled his share in favour of the petitioner through a settlement deed dated 22.04.2019 which was registered as Document No.1156 of 2019. As per the order of the Civil Court, 2 $\frac{3}{4}$ Feet was identified as a pathway given exclusively in favour of the family. This correction was sought to be done by virtue of a rectification deed. When the



W.P.(MD)No.13924 of 2021

document was presented, the same was not acted upon and therefore, the present writ petition was filed before this Court.

4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner can be directed to present the rectification deed along with the Judgment and Decree passed by the Civil Court and that the same will be acted upon by the second respondent.

5. In view of the above, if the rectification deed has not already been registered, there shall be a direction to the petitioner to submit the rectification deed before the second respondent along with the Judgment and Decree passed by the Civil Court. On receipt of the same, the same shall be acted upon and the document shall be considered for registration within a period of four (4) weeks subject to complying with the other formalities.

6. This Writ Petition is disposed of with the above directions. No costs.

06.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

<https://www.mhctn.gov.in/judis>



WEB COPY



W.P.(MD)No.13924 of 2021

N.ANAND VENKATESH, J.

tsg

To

- 1.The District Registrar
District Register Office,
58/1, Cutchery Road,
Virudhunagar-626 001.
- 2.The Joint-1 Sub-Registrar,
Sub-Register Office,
58/1, Cutchery Road,
Virudhunagar-626 001.

W.P.(MD)No.13924 of 2021

06.11.2023