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W.P.(MD)NO.19733 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19733 of 2023 AND
W.M.P.(MD)No.24059 of 2023

1. Pandian
2. P.Rajini Sri
3. P.Sugasini
4. P.Niraimathi
5. P.Eswaran
6. P.Karthick Pandiyan
7. V.Balan
8. Selvi
9. Jaya
10. Jayapandi
11. Kala
12. Amutha

... Petitioners

Vs.

1. The District Registrar,
O/o.the District Registrar,
Registration Department,
Madurai.
2. The Sub Registrar,
Melur East Sub Registrar Office,
Registration Department,
Melur,
Madurai District.
3. Balamurugan
4. Saranya
5. Vairamuthu

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip issued by respondent No.2 in Sl. No.01/2023 dated 13.07.2023, and quash the same and consequently direct the 2nd respondent to register the partition deed dated 13.07.2023 executed by the petitioners herein within the time limit stipulated by this Court.

For Petitioners : Mr.D.Sivaraman

For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.

For R-3 to R-5 : Mr.S.A.Ajmalkhan

* * *

ORDER

Heard both sides.

2. The petitioners have entered into a deed of partition. It was presented for registration before the second respondent. The second respondent had declined to register the document citing the pendency of the civil suit and also the writ petition.

3. So long as there is no restraint order passed against the registering authority, the registering authority cannot refuse to register the document. Of course, the other



formalities will have to be fulfilled. In this case, the petitioners claim that they have patta in their favour. Since the documents are standing in favour of the petitioners, registering authority is directed to register the deed of partition. Of course, the rights of the parties will be subject to the outcome of the partition suit filed by respondents 3 to 5 in O.S.No.153 of 2023 on the file of the Sub Court, Melur.

4. Liberty is granted to respondents 3 to 5 to register this order so that the alienees from the petitioners herein will have notice. The impugned order is set aside. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

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

PMU

To:

1. The District Registrar,
O/o.the District Registrar,
Registration Department, Madurai.
2. The Sub Registrar,
Melur East Sub Registrar Office,
Registration Department,Melur, Madurai District.



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G.R.SWAMINATHAN,J.

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