



W.P(MD)No.23988 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23988 of 2022

V.R.Paramasivam

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar (Administration),
Office of the District Registrar,
Karaikudi,
Sivagangai District.

3.The Sub Registrar,
Office of the Sub Registrar,
Devakottai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in the form of refusal check slip in No. RFL/Devakottai/24/2022 dated 11.10.2022 and quash the same and consequently direct the third respondent to register the petitioner and his brothers partition deed application Nos. SO1 LAND VV 2022 10117360639 and SO1 LAND VV 2022 10117364460 dated 11.10.2022.



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For Petitioner : Mr.P.R.Boomee Rajan
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned property stood in the name of Veerappa Chettiar. He passed away on 29.07.1992. He left behind his wife, sons and daughters. Her sons entered into partition deed and presented a deed before the third respondent for registration. The third respondent noted that since the daughters have not been shown as parties, the document cannot be entertained. To that effect the impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3.When the matter was taken up for hearing, I called upon the petitioner's counsel to produce affidavits from all the female legal heirs. Such affidavits have been filed before this Court.

4.I am not in a position to test the veracity of the affidavits filed by the female heirs. I therefore relegate the petitioner to go before the third respondent. If the third respondent is satisfied that all the female legal heirs



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have given their consent, then there cannot be any impediment for registering the partition deed. It is not necessary that all the female legal heirs should appear in person before the third respondent. The third respondent can conduct an appropriate enquiry in the manner he deems fit to satisfy himself that the female heirs do not have any objection for registering the document in question. The petitioner is given liberty to re-present the document before the third respondent. The third respondent shall conduct enquiry as mentioned above and based on his satisfaction he shall register the document and release it. Of course, the petitioner will have to comply with the other formalities as contemplated by law.

5.This writ petition is disposed of on these terms. There shall be no order as to costs.

28.02.2023

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

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.



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G.R.SWAMINATHAN, J.

MGA

2.The District Registrar (Administration),
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