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W.P.(MD)NO.25200 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25200 of 2023

Valliammal

... Petitioner

Vs.

The Sub Registrar,
Kariapatti Sub Registrar Office,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the partition deed dated 11.04.2023 presented by the petitioner as co-claimant vide TP/148081926/2023 and release the same immediately subject to payment of stamp duty.

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.V.Nirmal Kumar,
Government Advocate.

* * *

ORDER

Heard both sides.



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2. The petitioner has entered into a partition deed dated 11.04.2023 with others. It was presented for registration. One Mariyammal, W/o.Karuppannan lodged objections. In view of the same, the document presented by the petitioner was not registered. The refusal check slip has also not been issued. The document was not even accepted for registration.

3. The learned counsel appearing for the petitioner points out that the testators, namely, Panidiammal and Nagammal had patta in their favour (Patta No.196).

4. The registering authority cannot refuse to register the document, when the revenue record is in favour of the executants. However, considering the special facts and circumstances of this case, the petitioner is permitted to re-present the document in question. The respondent will receive it. However, the respondent will intimate the objector about the submission of the document by the petitioner for registration. The objector will be given six weeks time to obtain interim order from the jurisdictional civil Court. If at



the end of six weeks period, the objector is unable to obtain any interim injunction restraining the registration of the document in question, the document shall be registered and released subject to fulfillment of the other usual formalities. This writ petition stands disposed of. No costs.

03.11.2023

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

Note : Issue order copy on 08.11.2023.

To:

The Sub Registrar,
Kariapatti Sub Registrar Office,
Virudhunagar District.



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G.R.SWAMINATHAN,J.

PMU

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