



WEB COPY

W.P. No.719 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.719 of 2024 and
W.M.P. No.735 of 2024

1. Mahendran
2. Minor Srivani
D/o.Mahendran
Represented by Guardian/Mother
C.Nirupama Devi
W/o.Mahendran

... Petitioners

Vs.

The Sub Registrar
Periyanaickenpalayam
Coimbatore District

... Respondent

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 relating to the impugned refusal Check Slip in refusal No.RFL/Periyanaickenpalam/135/2023, dated 15.11.2023 on the file of the respondent and quash the same and direct the respondent to register the petitioner's partition deed dated 15.11.2023.

For Petitioner : Mr.LMouli

For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

**ORDER**

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Though this Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned refusal Check Slip in refusal No.RFL/Periyanaickenpalam/135/2023, dated 15.11.2023 on the file of the respondent and quash the same and direct the respondent to register the petitioner's partition deed dated 15.11.2023.

2. The contention of the first petitioner is that the land in S.F.No.529/1 in Billichy Village, Coimbatore North Taluk, Periyanaickenpalayam, Coimbatore District, to an extent of 3.44 acres, is absolutely belonged to the grandfather of the petitioner. After the death of the petitioner's grandfather, his three sons entered into registered partition deed dated 06.04.1975 in Document No.676 of 1975 in respect of the said land and other lands and that the above said land was allotted to the petitioner's father. After the death of the father of the petitioner, the petitioner has become the absolute owner of the property and all the revenue records were mutated in the name of the petitioner. The 2nd petitioner is the minor daughter of the first petitioner. On the birth of the 2nd petitioner, she became a coparcener in the said joint family property and therefore, in order to allot a share to his minor daughter, the first petitioner entered into a partition deed on 15.11.2023 and presented



the same to the respondent for registration along with the certified copy of the Partition Deed entered between the three sons of the petitioner's grandfather, death certificate of the petitioner's father, legal heir certificate and the birth certificate of the 2nd petitioner. But the respondent has refused to register the same on the ground that the original partition deed dated 06.04.1975 in Document No.675 of 1975 was not produced. Hence, the present writ petition is filed.

3. Mr.R.U.Dinesh Rajkumar, learned Government Pleader takes notice for the respondent.

4. It is to be noted that as per the Rule 55(A) of the Tamil Nadu Registration Rules, production of original parent document is mandatory. Therefore, this Court does not find any perversity in the refusal check slip passed by the respondent.

5. Accordingly, this Writ Petition is dismissed at the admission stage itself. Connected Miscellaneous Petition is ordered subject to payment of separate Court fee by the other writ petitioner. There shall be no order as to costs.

12.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



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W.P. No.719 of 20



P.VELMURUGAN. J.

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To

The Sub Registrar
Periyanaickenpalayam
Coimbatore District

W.P. No.719 of 2024

12.01.2024