



WEB COPY



WP.No.10409 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10409 of 2024

S.Ramesh

.. Petitioner

Versus

1. The District Registrar,
Chengalpet, Chengalpet District.

2. The Sub Registrar,
Sriperumbudur Sub Registrar Office,
Sriperumbudur, Kancheepuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, by calling of the records relating to the proceeding of the second respondent in refusal number / 6 / 2024 dated 06.03.2024 and quash the same and consequently direct the second respondent to register the deed of declaration dated 06.03.2024 in respect of the land situated in survey numbers 125/3A1 and 125/4A to an extent of 59.4 cents or 25920 sq.ft. at No.7/4, Bangalore high Road, Sriperumbudur "A" revenue Village, Kancheepuram District.

For Petitioner : Mr.V.Rghavachari, Senior Counsel,
for Mr.K.Krishnan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1 & R2



WP.No.10409 of 2024

WEB COPY

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the proceeding of the second respondent in refusal number / 6 / 2024 dated 06.03.2024 and consequently direct the second respondent to register the deed of declaration dated 06.03.2024.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that Originally to an extent of 30.05 acres has been purchased by one Sarojini Devi by a registered sale deed dated 17.06.1970. After the demise of the said Sarojini Devi, the legal heirs of Sarojini Devi executed a registered sale deed in favour of the petitioner conveying 5/4th undivided share in the property. The other co-owner has retained his 1/5th share in the property. When the vendors of the petitioner



WP.No.10409 of 2024

executed the deed of declaration and confirming the boundaries, the same was refused to be registered on the ground that partition has not taken place.

Hence, the present Writ Petition.

5. When the substantial shares has already been dealt by one of the co-owner, at this stage insisting partition does not rise at all. In such view of the matter, when the authorities started passing Order contrary to the substantial provision of law and when the Order itself, exfacie error in the eye of law, no counter is required. Hence, the Order impugned is liable to be set aside.

6. Accordingly, this Writ Petition is allowed and the impugned Order dated 06.03.2024 passed by the second respondent is set aside and the second respondent is directed to register the deed of declaration dated 06.03.2024 within a period of one month from the date of receipt of a copy of this Order, after summoning Mr.Suresh Babu, the other co-owner. No costs.

17.04.2024

vrc

Index :Yes/No

Internet :Yes/No

<https://www.mhc.tn.gov.in/judis>



WP.No.10409 of 2024

Neutral Citation : Yes/No

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To,

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2. The Sub Registrar,
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WP.No.10409 of 2024

N. SATHISH KUMAR, J.

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W.P.No.10409 of 2024

17.04.2024