



WEB COPY



W.P.No.12603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

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1.K.Venkatesh
2.D.Kamalaveni
3.K.Saraswathi
4.E.K.Sundarambal
5.P.Thangammal
6.R.Valliyammal
7.T.Dinesh
8.T.Jayanthi
9.T.Raghul
10.R.Gunasekaran
11.P.Nallappan

.. Petitioners

Vs

The Erode Joint-I Sub Registrar
Erode Sub Registrar Office
Erode District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip dated 08.06.2023 in RFL/1/Erode Joint-I/41/2023 quash the same and consequently direct the respondent to register the rectification deed dated 26.05.2023 without insisting for separate stamp duty.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

Challenging the refusal check slip dated 08.06.2023 issued by the respondent in RFL/1/Erode Joint-I/41/2023, this writ petition has been filed.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondent and perused the materials placed on record.

3. When the rectification deed was presented by the legal heirs of the parties to the document in a partition deed, the same was refused to be registered by the respondent, mainly on the ground that the legal heirs do not fall within the ambit of family members. Hence, the present writ petition.

4. It is the contention of the learned counsel appearing for the petitioners that there was a partition deed executed between the family members on 29.03.2006, based on which, the legal heirs of the original parties sought to rectify the mistakes crept in the partition deed with regard to boundaries alone and nothing beyond that and hence, presented the rectification deed dated 26.05.2023 for registration and they did not seek any change in the respective extents allotted to them. However, the same was refused by the respondent, on



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the ground that the parties to the rectification deed are non-family members.

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5. At the outset, this Court is of the view that the interpretation of the registering authority cannot be sustained in the eye of law, for the simple reason that there is no fresh division among the members of the family, which creates or extinguishes any right. What is sought to be done in this document is only to set right the boundaries of the property allotted to the respective parties.

6. In such view of the matter, the impugned order stands quashed and the respondent is directed to register the rectification deed dated 26.05.2023 presented by the petitioners, within a week's time from the date of receipt of a copy of this order. It is made clear that if the said deed is for any further division among the legal heirs, the respondent is entitled to collect separate stamp duty from them as per law.

With the above direction, this writ petition stands allowed. No costs.

01.07.2024

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(3/3)

Index : Yes/No

Neutral Citation : Yes/No

N.SATHISH KUMAR, J.

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To
The Erode Joint-I Sub Registrar
Erode Sub Registrar Office
Erode District

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