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W.P.No.20061 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04..07..2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.20061 of 2021

V.Sathyapriya

..... Petitioner

-Versus-

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

2.The Registrar,
District Registration Office, Villupuram.

3.The Sub Registrar,
Thirukoilure Sub Registration Office,
Kallakurichi District.

4.E.Palaniammal

5.A.Renuka

6.E.Ramajayam

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a *Writ of Certiorarified Mandamus* calling for the records in respect of the document in NO.330/2021 dated 25.01.2021 registered by the 3rd respondent office and to quash the same and direct the respondents 1 and 2 and to consider the representation of the petitioner dated 27.01.2021.



W.P.No.20061 of 2021

For Petitioner : Mr.A.Sankar

*For Respondent (s) : Mr.P.Anadhakumar,
Government Advocate
for RRI to 3*

ORDER

This writ petition challenges the partition deed dated 25.01.2021 entered into between the family members vide document No.330/2021 on the file of 3rd respondent and to quash the same and direct the respondents 1 and 2 and to consider the representation of the petitioner dated 27.01.2021.

2. The case of the petitioner is that she is a daughter of Elumalai & Palaniammal. Her father Elumalai and one Govindan are brothers. On 25.01.2021 a partition was effected among Chinnappa W/o Govindan, Prabu, Veeramani sons of Govindan, Palaniammal W/o Elumalai, Ramajayam Son of Elumalai, Renuka, D/o Elumalai Minor Sathyapriya, D/o Elumalai, represented by her mother in respect of the jointly family property of her father comprised in different survey fields and the same was registered as document No.330/2001 came to be registered on 25.01.2021 on the file of the 3rd respondent. Though she was major on 25.01.2021 and was entitled to equal share in those properties, she was made as minor and was given only 40 cents referring to as if she was a minor then and represented by her mother. She came



W.P.No.20061 of 2021

to know about the partition only on 27.01.2021. Immediately on coming to about the partition, she made a representation to the authorities concerned seeking to cancel the partition deed as a fraudulent transaction but there was no response. Hence, this writ petition seeking to cancel the partition deed.

3. Heard both sides.

4. At the out set, this court is of the view that the writ petition is not all maintainable. The grievance of the petitioner is that due share was not allotted to her and she was not a minor at the time of partition. However, she was shown as a minor and she was represented by her mother. If that is so, it is for her to file an appropriate suit and to establish her right for partition and equal share in the joint family properties left behind by her father in the manner known to law. Therefore, no direction as prayed by the petitioner could be granted.

In the result, the writ petition is dismissed with the above directions. No costs.

Index : yes / no
Neutral Citation : yes / no
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N.SATHISH KUMAR.J.,

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