



WEB COPY



WP.No.16398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.16398 of 2024

B.Sekar

.. Petitioner

Versus

1. The Sub Registrar
Kundrathur Sub Registrar Office
Kundrathur, Chennai – 600 069

2.The Commissioner
Greater Chennai Corporation
Ribbon Building, Chennai

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 23.04.2024 and consequently direct the 1st respondent herein to register the petitioners partition Deed dated 11.01.2024 pending in Doc.No.5 of 2024 in SRO, Kundrathur.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.L.S.M.Hasan Fizal for R1
Additional Government Pleader

Ms.Vanitha Joice Rani for R2



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ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed for a direction, directing the 1st respondent herein to consider the petitioner's representation dated 23.04.2024 and consequently direct the 1st respondent herein to register the petitioners partition Deed dated 11.01.2024 pending in Doc.No.5 of 2024 in SRO, Kundrathur.

3. It is the case of the writ petitioner that a total extent of 60 cents in S.F.No.185/1 and 184/1, Madhanandhapuram Village were allotted originally to the his mother one B.Nagabhooshanam in partition deed bearing Doc.No.5151 of 1959, she was in possession of the property. However, some third party namely R.Manikandan created certain document in respect of the subject property and executed a Power of Attorney in favour of Kavitha Rani, who in turn has executed a Gift Deed dated 13.10.2016 vide Doc.No.15346 of 2016 in favour of the Greater Chennai Corporation for formation of the layout. After coming to know about the forged instrument, the petitioner gave a complaint before the authorities. The said documents registered by the said

Manikandan and Kavitha Rai have been cancelled in a proceeding in



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Na.Ka.No.12432/E2/2020 dated 14.02.2022. The appeal filed before the Deputy Inspector General of Registration is also dismissed by Order dated 24.02.2023. Challenging the said order, the said R.Manikandan also filed a writ petition in W.P.No.7655 of 2023 and the same was also dismissed as withdrawn. Hence, according to the petitioner, all the forged document has been cancelled by Order dated 14.02.2022 by the authorities. Now, the petitioner has presented the partition deed, however, the document is kept pending on the ground that NOC has to be issued by the second respondent. Hence, seeks a direction.

4. Despite opportunity to the second respondent, no counter is filed.

5. Heard both sides and perused the materials placed on record.

6. The facts with regard to the title of the said Manikandan and his concern and cancellation of the documents stood in the name of Manikandan and Kavitha Rani is also not disputed and the same is also established before this Court. The documents stood in the name of Manikandan and Kavitha Rani are cancelled by the authorities. Challenge made before this Court was also already reached finality. When the documents are already cancelled, the second



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respondent would not get any title on the basis of the Gift Deed said to have been executed by the Power of Attorney namely Kavitha Rani.

7. Such view of the matter, the first respondent is directed to register the partition deed dated 11.01.2024 without insisting NOC from the second respondent within a period of one week from the date of receipt of a copy of this Order.

8. Accordingly, this writ petition stands allowed. No costs.

10.07.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Note: Issue Order copy on 11.07.2024



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To
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N. SATHISH KUMAR, J.



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