



WEB COPY

W.P.No.22114 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.22114 of 2024

Velmurugan

...

Petitioner

versus

The Sub-Registrar,
Mecheri,
Mettur Taluk,
Salem District.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Refusal Check Slip in Refusal No.RFL/Mecheri/17/2024 dated 22.07.2024 and quash the same as illegal and unsustainable and further direct the respondent to admit and register the Partition Deed dated 24.05.2024.

For Petitioner

:

Mr.V.Sakkarapani

For Respondent

:

Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.



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2. This Writ Petition is filed to quash the Refusal Check Slip in Refusal Number : RFL/Mecheri/17/2024 dated 22.07.2024 and consequently direct the respondent to register the same.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent and perused the materials available on record.

4. It is the grievance of the writ petitioner that when the Partition Deed was presented for registration, the respondent refused to register the same on the ground that the Settlement Deed has been cancelled subsequently in the year 1969.

5. The learned counsel for the petitioner brought to the notice of this Court that though the said cancellation happened in the year 1969, the petitioner's father is in continuous possession and patta also stands in his name. Therefore, partitioning the property which is in the possession of the petitioner's father, there is no bar under law. Hence, he seeks a direction.



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6. On perusal of the revenue records available in the typed set of papers indicates that the petitioner's father is continuously enjoying the property and revenue records also mutated in his name. Therefore, when the family property is continuously in the possession, co-owners and others have no objections in registering the partition deed by the legal heirs, there cannot be any bar. In such view of the matter, the impugned refusal slip has to be set aside.

7. Accordingly, this Writ Petition is allowed and the impugned Refusal Check Slip dated 22.07.2024 is quashed and the respondent is directed to register the Partition Deed dated 24.05.2024 presented by the petitioner within a period of seven days from the date of receipt of a copy of this order. No costs.

01.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

The Sub-Registrar,
Mecheri,
Mettur Taluk,
Salem District.

W.P.No.22114 of 2024

01.08.2024

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