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W.P. No. 27068 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.27068 of 2024

Kokila

..Petitioner

Vs.

The Joint II Sub-Registrar
Tiruvannamalai Road
Krishnagiri-635 001.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondent bearing Refusal Check Slip dated 30.07.2024 bearing Refusal number RFL/Joint 2 Sub Registrar Krishnagiri/78/2024 and quash the same and consequently directing the respondent herein to register and return the sale deed dated 23.07.2024 bearing TP/ 188827715/2024 and pass.

For Petitioner	: Mr. K.Venkatasubban for M/s.Sarvabhauman Associates
For Respondent	: Mr. T.Chezhiyan Additional Government pleader



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ORDER

Aggrieved by the impugned refusal slip issued by the respondent refusing to register the sale deed presented for registration on the ground that petitioner has no undivided interest in the subject matter of the sale, she has come before this Court by way of writ petition.

2. According to the petitioner, the subject property originally belonged to Lakshmanan and his wife Gowrammal under sale deeds dated 15.06.1942 and 26.11.1949. The said Lakshmanan and Gowrammal died on 07.07.1973 and 13.12.1993 respectively leaving behind their legal heirs. It is further stated that property was orally divided among the male heirs of said Lakshmanan and Gowrammal and the petitioner's vendors namely Ramasamy, Lakshmi and Lakshmanan were jointly allotted 60 cents out of 2.56 acres in Survey No.74/6 and 91 cents out of 3.85 acres in Survey No.75/4 along with right in the Well. The petitioner's vendors namely Ramasamy, Lakshmi and Lakshmanan executed a sale deed dated 23.07.2024 in respect of property allotted to them



under oral partition and the same was presented for registration before the respondent. The respondent refused registration on the ground that in the absence of any valid partition among the legal heirs of the said Lakshmanan and Gowrammal, the petitioner's vendors are not entitled to sell their share by giving four boundaries. It was also stated that as per “A” Register, subject property in Survey Nos.74/6 and 75/4 jointly stands in the names of 17 persons and 18 persons respectively. In the refusal slip, it is clearly mentioned by the respondent that if the petitioner presents the document mentioning the undivided share of her vendors without mentioning their share in the property with metes and bounds, the same will be considered for registration.

3. The learned counsel for the petitioner submits that petitioner is willing to rectify the mistake in the sale deed and mention the undivided share of the petitioner's vendors in the description of the property. The said statement made by the learned counsel is recorded.

4. If the petitioner represent the rectified document mentioning undivided interest of the petitioner's vendors without mentioning their share



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by metes and bounds, there may not be any impediment for the respondent to consider the same for registration.

5. With these observations, the writ petition stands disposed of. No costs.

19.09.2024

Index : Yes/No
Neutral Citation : Yes/No
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To
The Joint II Sub-Registrar
Tiruvannamalai Road
Krishnagiri-635 001.



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S.SOUNTHAR, J.
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