



WEB COPY



W.P.No.28450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28450 of 2024

C.Elangovan

... Petitioner

VS.

1.The District Registrar,
(Administration),
District Registrar Office,
Collectorate,
Salem – 636 001.

2.The Sub Registrar,
Magudanchavadi SRO,
Salem District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Magudanchavadi/225/2024 dated 01.08.2024 passed by the 2nd respondent, Quash the same and consequently to direct the 2nd respondent to register the Partition Release Deed dated 01.08.2024 executed by the petitioner's mother Tmt.Vellachi and his brother C.Thangam in favour of the



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petitioner, in respect of 20 ½ cents comprised in S.F. No. 17/4, Pudur Village, Sankari Taluk, Salem District.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned Refusal Check Slip in RFL/Magudanchavadi/225/2024, dated 01.08.2024 issued by the 2nd respondent refusing to register the Release Deed dated 01.08.2024 presented for registration on the ground that the petitioner failed to produce any document to prove the exclusive right of petitioner's grand father-Arunachala Gounder.



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3. It is the case of the petitioner that the entire extent in S.F.No.17/4 in Pudur Village, Sankari Taluk, Salem District, originally belonged to the petitioner's grand father-Arunachala Gounder and his brother-Chinna Gounder. It is stated by the petitioner that there was a oral partition between Arunachala Gounder and his brother Chinna Gounder. The southern half was allotted to the share of Arunachala Gounder and northern half was allotted to the share of Chinna Gounder. The petitioner is son of Arunachala Gounder's son Chinna Gounder. After the death of petitioner's father, petitioner's mother Vellachi and his brother C.Thangam executed Release Deed releasing their undivided interest in the southern half of the survey number in favour of the petitioner and the same was presented for registration before the 2nd respondent.

4. Along with document presented for registration, the petitioner also produced patta for the above mentioned survey number in Patta No.636, which stands in the name of Muthusamy son of Chinna Gounder (Arunachala gounder's brother). The 2nd respondent refused registration on the ground that petitioner failed to prove the exclusive right of his grand father-Arunachala Gounder over the southern half of the property. The



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revenue document submitted by the petitioner stands in the Arunachala Gounder's brother's son Muthusamy in respect of entire extent in the survey number. Therefore, the 2nd respondent refused to register the document by directing the petitioner to produce the revenue document to show exclusive right of petitioner's family over the southern half. Challenging the same, the petitioner has come before this Court.

5. Though the petitioner pleaded that there was a oral partition between the petitioner's grand father-Arunachala Gounder and his brother Chinna Gounder and allotment of southern half in favour of petitioner's grand father-Arunachala Gounder, the petitioner could not produce any revenue document to substantiate the alleged oral partition.

6. In such circumstances, the petitioner's mother and his brother are not entitled to release their undivided share in favour of the petitioner in respect of southern half. On the other hand, the petitioner's mother and his brother are entitled to release their undivided share in the entire property in S.F.No.17/4 in favour of the petitioner, who is also one of the co-owner. If the petitioner presents any Release Deed in respect of undivided share of



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petitioner's mother and his brother, there may not be any impediment for the respondents to consider the same for registration.

7. With this clarification, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

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2. The Sub Registrar,
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S.SOUNTHAR, J.

dm

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