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W.P.No.34766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34766 of 2024

Vellingiri

... Petitioner

Vs.

1.The Inspector General Of Registration
O/O.The Inspector General Of Registration,
Santhome High Road,Chennai.

2.The District Registrar
O/O.District Registrar Office,
Erode District,Erode.

3.The Sub Registrar
Sub Registrar Office,
Nambiyur,Erode District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL/Nambiyur/32/2024 dated 10.10.2024 issued by the 3rd respondent and quash the same as illegal and consequently directing the 3rd respondent to accept and register the partition deed document dated 09/10/2024 presented by the petitioner and pass.



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W.P.No.34766 of 2024

For Petitioner : M/s.S.Sengkodi

For Respondents : M/s.C.Meera Arumugam, AGP.
for R.1 to R.3.

ORDER

Challenging the refusal check slip issued by the 3rd respondent dated 10.10.2024, the petitioner is before this Court.

Brief facts:-

2. The petitioner had submitted a partition deed dated 09.10.2023 executed between him and his father Kumarasamy before the 3rd respondent and an online registration was made and the petitioner was issued with the online token. Thereafter, he had submitted the original document along with the other supporting documents. However, the 3rd respondent rejected the application on the ground that earlier document that has been referred to in the partition deed is an unregistered document and therefore refused to register the same. Aggrieved by the same, the petitioner is before this Court.

3. Heard the counsels on either side.



W.P.No.34766 of 2024

WEB COPY

4. It has been time and again held as in the case of *Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)*, remedy of the registering authorities while considering a document for registration is to verify its execution, identity of the executant or the agent/ representative assigned etc. The registering authority cannot go into the question of title. The grounds of refusal are also specified in Section 22-A of the Registration Act. That apart, the ground of rejection is that earlier document, namely, the Panchayat Partition Deed dated 15.06.1992 is an unregistered one. A reading of this document would indicate that an oral partition/mode of division of the property had been decided in a Panchayat and the same has been reduced into a deed.

5. Therefore, for the aforesaid reasons the impugned refusal check slip cannot be sustained and accordingly, the Writ Petition is allowed. The impugned refusal check slip is set aside. The 3rd respondent is directed to register the partition deed dated 09.10.2024 within a period of 2 weeks from the date of its representation. No costs.

22.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



To

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P.T. ASHA. J.,

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