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WP.No.34949 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34949 of 2024

R.Panneerselvam

...Petitioner

Vs

1.The District Registrar,
Registration Department,
Dharmapuri District,
Dharmapuri.

2.The Sub-Registrar, Morappur
Sub-Registration Office,
Dharmapuri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent dated 12.9.2024 in Refusal No.RFL/Morappur/Book 2/11, quash the same and consequently direct the second respondent to register the partition deed dated 24.5.2024 and return it to the petitioner.

For Petitioner : Mr.V.Janarthanan for
Mr.V.Anand

For Respondents : Ms.C.Meera Arumugam, AGP



WP.No.34949 of 2024

ORDER

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Aggrieved by the slip dated 12.9.2024, in and by which, the second respondent refused to register the partition deed presented by the petitioner dated 24.5.2024 and for a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The facts leading to filing of this writ petition are as follows :

(i) The petitioner claims title to the properties in S.Nos.91/1B, 91/2A, 92/1A, 92/6B, 91/4 and 87/6 measuring a total extent of 5.69 acres at Polayampalli Revenue Village, Harur Taluk, Dharmapuri District both (i) by Will (only A Schedule) dated 29.8.1989 executed by his paternal grandfather registered as doc.No.9 of 1989 on the file of the Sub-Registrar, Morappur and (ii) by purchase vide sale deed dated 05.9.1975 registered as doc.No.2584 of 1975 on the file of the Sub-Registrar, Harur. The petitioner's father predeceased his grandfather on 15.2.1987. Only after the death of the father of the petitioner, his grandfather also bequeathed his properties in favour of the petitioner



WP.No.34949 of 2024

and his brother and sister under the said Will.

WEB COPY

(ii) The petitioner's paternal grandfather died on 12.12.1992.

After the death of the petitioner's paternal grandfather, the properties were succeeded by the petitioner and his siblings. In fact, the property, which fell to the share of the petitioner's sister, is also under the possession and enjoyment of the petitioner. Since the petitioner is going on in age, he and his daughters executed a partition deed dated 24.5.2024 dividing the properties amicably.

(iii) When this partition deed was presented for registration, the second respondent issued the impugned refusal check slip stating that there was a permanent injunction granted against the petitioner's brother vide judgment dated 30.8.2013 in O.S.No.257 of 2006 on the file of the District Munsif Court, Harur filed by one Mr.Raja Annamalai and that in respect of the same survey number, the petitioner's brother filed a suit in O.S.No.109 of 2018 on the file of the Sub-Court, Harur against the same person for declaration and permanent injunction, which is still pending.

(iv) Besides this, the second respondent also raised several issues while refusing to register the partition deed presented by the petitioner. According to the petitioner, S.No.3/1A is not the subject matter of partition and despite production of the entire records, the second respondent issued the impugned refusal slip. Hence the writ



WP.No.34949 of 2024

petition.
WEB COPY

4. This Court carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned refusal check slip.

5. A mere perusal of the impugned refusal check slip clearly indicates that the reasons given therein do not fall under any of the categories as set out in Section 22A of the Indian Registration Act. Further, the two suits, which have been shown as the basis for issuing the impugned refusal check slip, are not relating to the properties, which are the subject matter of the partition deed now presented by the petitioner. There is no doubt about the execution and the identity of the properties in the subject partition.

6. In the light of the above, the writ petition is allowed, the impugned refusal check slip is quashed and the second respondent is directed to register the partition deed dated 24.5.2024 presented by the petitioner within a period of two weeks from the date of receipt of its representation. No costs.

26.11.2024



WEB COPY



WP.No.34949 of 2024

P.T.ASHA,J

RS

To

- 1.The District Registrar,
Registration Department,
Dharmapuri District,
Dharmapuri.
- 2.The Sub-Registrar, Morappur
Sub-Registration Office,
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WP.No.34949 of 2024

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