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W.P. No.36420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.36420 of 2023

Anthoniummal

... Petitioner

Vs

1.The District Registrar (Registration Department)
Krishnagiri - 635 001

2.The Sub Registrar
Denkanikottai
Krishnagiri

3.Anthoniappa

4.Vincent

5.Francis

6.Lingorlah

7.Lawrence

8.Pushparani R

... Respondents



W.P. No.36420 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent No.1 to consider the representation dated 27.11.2023 to issue order to the Respondent No.2 to rectify the error in the registration book regarding the entry of Partition Deed in Doc. No.3801/2007 dated 31.08.2007 executed by Respondent No.3 in favour of Respondent Nos.4 to 7 and the sale deed Doc. No.2836/2009 dated 06.08.2009 executed by respondent No.4 in favour of Respondent No.8 under Section 68 of the Registration Act, and consequently initiate prosecution under Section 83 of the Registration Act against Respondent Nos.3 to 8 to take penal action for the offence committed under Section 81 of the Registration Act.

For Petitioner : Mr.A.Ashwinkumar

For Respondent : Mr.P.Anandhakumar
Government Advocate for R1 & R2

ORDER

This writ petition has been filed for a direction to the second respondent to rectify the error in the registration book regarding the entry of Partition Deed dated 31.08.2007, registered as Doc. No.3801/2007.



W.P. No.36420 of 2023

WEB COPY

2. It is the grievance of the writ petitioner that while registering the partition deed in the year 2007, the survey number of the petitioner is also included in the document. In this regard, she has given a representation to rectify the mistake.

3. At the outset, this court is of the view that when the mistake is committed by the parties themselves in the document, the proper remedy is only to rectify the same by filing a rectification deed or else seek rectification before the civil court by invoking Section 31 of the Specific Relief Act.

4. From the submission of the learned counsel appearing for the petitioner, it appears that there is a dispute loom at large between the husband and wife and the document registered in the year 2007 is sought to be cancelled in the year 2024 by just a representation. That cannot be permitted in the eye of law. In do not find any merit in the writ petition, accordingly, the same is deserves dismissal.



W.P. No.36420 of 2023

WEB COPY

5. In the result, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

18.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Sub Registrar
Office of Sub Registrar
Omalur, Salem District

2.The Government Pleader
High Court, Madras



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W.P. No.36420 of 2023

N.SATHISH KUMAR, J.

Asr

W.P.No.36420 of 2023

18.06.2024