



W.P.(MD).No.178 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.178 of 2024

and

W.M.P.(MD).No.201 of 2024

- 1.C.Sankaran Nadar
- 2.C.Rajamoni Nadar
- 3.C.Thangaswamy Nadar

... Petitioners

vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandaveli Pakkam,
Raja Annamalaipuram,
Chennai 600 028.

- 2.The District Registrar,
SLB School South Road,
Nagercoil-1.

- 3.The Sub Registrar,
Eraniel Sub Registrar Office,
Kanyakumari District.

... Respondents



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PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to register the rectification deed executed by the petitioners to rectify the defects in the partition deed vide Document No.4274/2009, dated 12.11.2009 on the file of the 3rd respondent.

For Petitioner : Mr.C.T.Perumal

For R1 to R3 : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to register the rectification deed executed by the petitioners to rectify the defects in the partition deed vide Document No.4274/2009, dated 12.11.2009 on the file of the 3rd respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioners, they have executed a partition deed on 12.11.2009. After registration of the partition deed, they came to know



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that some errors crept into the description of the property. Therefore, they approached the third respondent to rectify the wrong description of the properties in the partition deed vide Document No.4274/2009, dated 12.11.2009. But the third respondent has refused to register the rectification deed, without assigning any reason. Hence, the petitioners have made a detailed representation to the respondents on 25.10.2023. In response to the same, they have received a communication dated 16.11.2023, from the third respondent stating that the document would be registered, if it is as per the provisions of Registration Act, Rules and Government orders. Hence, the petitioners have filed the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioners have not produced the original and they only approached the authorities with the representation dated 25.10.2023, for that the authorities have also given appropriate reply. He would further submit that if the petitioners produce the rectification deed properly before the authorities concerned as per the



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procedures established, they will consider the same, in accordance with law, if it is otherwise in proper for registration.

5. Considering the above said submissions, the petitioners are hereby directed to approach the Sub Registrar, Eraniel Sub Registrar Office, Kanyakumari District with the rectification deed within a period of two weeks from the date of receipt of a copy of this order and the Sub Registrar, Eraniel Sub Registrar Office, Kanyakumari District is directed to consider the same and register the rectification deed, if it is proper for registration, otherwise appropriate order shall be passed, if any defects found.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.01.2024

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

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