



W.P.(MD).No.3538 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3538 of 2024

M.Venkatesan

... Petitioner

Vs

The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Theni District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register the partition deed, dated 11.01.2024 by considering the petitioner's representation, dated 22.01.2024 and to pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr. M.Jerin Mathew
For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



W.P.(MD).No.3538 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the respondent to register the partition deed, dated 11.01.2024 by considering the petitioner's representation, dated 22.01.2024 and to pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent. Perused the materials on record.

4.(i).The land in S.No.108/4 Melachokkanathapuram village, Bodinayakkanur Taluk, Theni District measuring to an extent of 2 hectares and 10 cents is the petitioner's ancestral property. The property was in possession and enjoyment of petitioner's maternal grandfather one Suruliyandi. The said



W.P.(MD).No.3538 of 2024

Suruliyandi died intestate on 11.11.1999 without making any family arrangements. He was survived by two sons Rengaraj and Surliraj and two daughters namely Pownthai and Vijayalatchumi. While so, the said Rengaraj died intestate on 13.09.2005, Suruliraj died intestate on 23.09.2019 and Pownthai died intestate on 05.06.1989, without making any family arrangements with respect to their 1/4th share in the ancestral property.

(ii).Thereafter, the petitioner and other legal heirs have obtained legal heir certificate for the said Suruliyandi vide proceedings, dated 03.10.2023. All the legal heirs of late Suruliyandi entered into partition on 11.01.2024 and presented the same for registration before the respondent. The same was not considered, Thereafter, the petitioner made a representation on 22.01.2024 to the respondent in this regard and the same was not considered. Hence, this writ petition came to be filed.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to



W.P.(MD).No.3538 of 2024

WEB COPY

derelection of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondent to consider the same within a stipulated time.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 22.01.2024 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

16.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

The Sub Registrar,
Bodinayakkanur Sub Registrar Office,
Theni District.



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W.P.(MD).No.3538 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD).No.3538 of 2024

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