



W.P.(MD)No.13927 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.13927 of 2023

Kasi Viswanathan

... Petitioner

Vs

The Sub Registrar,
Paramakudi, Ramnad District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Refusal Check Slip Serial No. 23/2023 dated 30.05.2023 on the file of the respondent and quash the same and further directing the respondents to receive and register the partition deed, dated 30.05.2023

For Petitioner : Mr.Selva Aditya

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the impugned order of refusal Check Slip Serial No. 23/2023 dated 30.05.2023 on the file of the respondent and to direct the respondent to receive and register the partition deed, dated 30.05.2023.

2.Heard Mr.Selva Aditya, the learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3.It is the case of the petitioner that when the petitioner presented the partition deed, dated 30.05.2023 for registration, the same has been refused to be registered on the ground that there was difference in respect of name in the revenue records.

4.At the outset, this Court is of the view that regarding the oral partition is not totally reduced into document and that is not effectively considered to be the best evidence with regard to oral partition. Therefore, the parties based, on the earlier partition which has been reduced in writing and subsequently,



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entered into a different partition, which cannot be questioned by the registering authorities. It is not for the Sub Registrar to go into the question of title. The minimum enquiry required under Section 34 of Registration Act is only with regard to the identity of person entering in execution of the document and prima facie of the title, not beyond that.

5.In such view of the matter, this writ petition stands allowed and the impugned order in Refusal Check Slip Serial No. 23/2023 dated 30.05.2023 is hereby quashed. The respondent is directed to register the partition deed, dated 30.05.2023, within a period of one month from the date of receipt of copy of this order. No costs.

30.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To
The Sub Registrar,
Paramakudi, Ramnad District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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