



W.P(MD).No.18608 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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Mohamed Ibrahima

... Petitioner

Vs.,

The Sub Registrar,
Kayalpattinam,
Tuticorin.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal cheque slip issued by the respondent in RFL/Kayalpattinam/118/2024 dated 22.07.2024 and quash the same as illegal and consequently direct the respondent to register the partition deed dated 22.07.2024 on the file of the respondent within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned refusal cheque slip issued by the respondent in RFL/Kayalpattinam/118/2024 dated 22.07.2024



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with a consequential direction to the respondent to register the partition deed dated 22.07.2024.

2. Heard Mr.M.Mahaboob Athiff, learned counsel on behalf of the petitioner and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice on behalf of the respondent.

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

4. It is the grievance of the petitioner that when he presented the partition deed for registration, the same has been refused on the ground that the property is in joint patta and title could not be ascertained.

5. The very impugned order is nothing, but clear disobedience of the order of this Court in the case of **Subramani Vs., The Sub Registrar**. That apart, a circular in circular No.22482/C1/2022, dated 12.07.2024 is also issued, pursuant to that judgment, wherein it is held that the Sub-Registrar need not insist for revenue records.



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6. Considering the above, it is not necessary that the Sub-Registrar should go into the title, as far as the partition deed is concerned. Mostly, all the family members or the predecessors name alone will be in the revenue records. Such being the scenario, since merely the property is derived from the ancestor, there being a joint patta cannot be a ground for refusal.

7. In that view of the matter, the order impugned in this writ petition in RFL/Kayalpattinam/118/2024, dated 22.07.2024 is hereby quashed and the respondent is directed to register the petition mentioned document within a period of seven days from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is allowed. No costs.

05.08.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

The Sub Registrar,

Kayalpattinam,

Tuticorin.

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N.SATHISH KUMAR, J.

Rmk

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