



W.P.(MD)No.28621 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28621 of 2024

1.Mothilal
2.Balaji

...Petitioners

-Vs-

The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office
Dindigul District.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to receive and register the Release deeds dated 05.11.2024 presented by the petitioner within the time frame as fixed by this Court.

For Petitioners : Mr.A.Sheik Nasurdeen

For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction, directing the respondent to receive and register the release deeds dated 05.10.2024 which was executed by the petitioner.



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2.The property comprised in Old T.S.No.766, New T.S.No.766/2 measuring 525 sq.ft. bearing door Nos.10 & 11 situated at Kaliyamman Kovil Street, Nagal Nagar, 6th Ward, Dindigul Town, Dindigul and in Old T.S.No. 37/2, New T.S.No.37/1A measuring 698 $\frac{3}{4}$ sq.ft. bearing Door No.129, situated at Bharathipuram, 6th Ward, Dindigul Town, Dindigul District. The property comprised in old T.S.No.766 is concerned, it was jointly purchased by the petitioner's father and his brothers by a registered sale deed dated 05.09.1980 vide document No.1508 of 1980. Insofar the property comprised in old T.S.No. 37/2 is concerned, the house property was purchased by the petitioner's grandfather by a registered sale deed dated 01.09.1945 vide document No.3458 of 1945. After the petitioner's grandfather demise, the petitioner's father and his brothers have agreed for oral partition. Thereafter, the petitioner's father died on 23.04.2002 leaving behind the petitioner's sisters and mother as legal heirs. Till now, we have jointly been enjoying the said properties acquired by the petitioner's father though oral partition. Now they have decided to settle the said properties among themselves. Accordingly, the petitioner's brother who is the second petitioner herein and his sisters had executed the release deed for sharing the property among themselves in respect of the property in Old T.S.No. 37/2. When the petitioner submitted the documents for registration before the



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respondent, the respondent has refused to register stating that the properties are joint family property and the subject properties have been divided by oral partition.

4.In view of the above, the petitioner is directed to present the Release deeds and on receipt of the same, the respondent is directed to register the same, if it is otherwise in order.

5.With the above said directions, this writ petition stands disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN. J,

RJR

To

The Sub Registrar,
Nagalnayakkanpatti Sub Registration Office
Dindigul District.

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