



Writ Petition No.2731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2731 of 2025

&

W.M.P No.3072 of 2025

1. Santhi
W/o.Nagarathinam

2. Prema
W/o.Srinivasan

3. Karthikeyan
S/o.Chitrambalam

4. C.Govindasamy
S/o.Chitrambalam

5. Umavathi
D/o.Late Chitrambalam

6. C.Vinayagam
S/o.Late Chitrambalam

... Petitioners

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2. The District Registrar,
Ranipet, Ranipet District.

3. The Sub-Registrar,



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Arakkonam,
Ranipet District.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for impugned order of third respondent dated 18.11.2024 in RFL/Arakkonam/81/2024 and quash the same, consequently direct the third respondent to register partition deed dated 16.11.2024 presented by me for registration and release document after registration.

For Petitioners : Mr.A.Gouthaman

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip issued by the third respondent dated 18.11.2024 and for a consequential direction to the third respondent to register the partition deed dated 16.11.2024.

2. Heard Mr.A.Gouthaman, learned counsel for petitioners and Mr.M.Shahjahan, learned Special Government Pleader appearing for respondents.

3. The case of the petitioners is that the subject property was



originally owned by the father of the petitioners through a registered sale deed dated 06.09.1972. The father died intestate on 15.07.2006 and the petitioners and their mother succeeded to the property. The mother died in the year 2011. The petitioners entered into a partition among themselves on 15.11.2024 and presented the said document before the third respondent. While presenting that document, there were entries available in the encumbrance certificate to the effect that an order of attachment has been passed insofar as the subject property is concerned. This order of attachment came into force by virtue of the proceedings initiated by the official assignee of the Madras High Court in O.S.No.2992 of 1990 and the decree obtained was executed in E.P.No.28 of 2003 where the property was attached. This attachment was made on 14.07.2004 and it was entered in the encumbrance certificate. It is stated that the execution petition was dismissed for default on 30.07.2019 and it was never restored. Even, the time for filing a fresh execution petition also expired and therefore, according to the petitioners, there is no attachment over the subject property.

4. The third respondent, on receipt of the partition deed, refused



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to register the partition deed on the ground that there is an attachment order, which has been entered in the encumbrance certificate. The petitioners, therefore, gave an explanation and it was not accepted and refusal check slip came to be issued.

5. It will suffice if a direction is given to the petitioners to incorporate a clause in the partition deed itself regarding the manner in which the attachment order ceases to exist due to subsequent developments and that apart, they shall file a sworn affidavit before the third respondent in the prescribed format. On receipt of the same, the third respondent shall entertain the partition deed and register the same, if it is otherwise in order.

In the result, this writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To



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Ranipet District
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N.ANAND VENKATESH, J

gm



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