



W.P.No.2253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2253 of 2025

1.Geetharani

2.N.Kumar

... Petitioners

Vs

The Sub Registrar
The Sub Registrar Office
Tiruporur
Chengalpattu District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to register the petitioner's partition deed dated 20.11.2024 in TP/201354379/2024 in connection with the property in Plot No.24 & 25 situated in Thaiyur - A Village, Thiruporur Taluk, Chengalpattu District, comprised in Survey No.97/1A in Sub Division No.97/24A1A1 Kamaraj Nagar measuring total extent of 4800 sq.ft or



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to issue refusal check slip in respect of TP/201354379/2024 dated 02.12.2024 and to pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.I.Jayaseelan

For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

The writ petition is filed for a mandamus to the respondent either to register the partition deed dated 20.11.2024 in TP/201354379/2024 presented by the petitioners or to issue a refusal check slip.

2. The petitioners are the cousins. The first petitioner would submit that the subject property situated in Plot Nos.24 & 25,Thaiyur - A Village, Thiruporur Taluk, Chengalpattu District had been purchased by her mother and her aunt Mrs.Rani Theresa under a registered sale deed dated 19.06.1970. The mother of the first petitioner and her aunt



died on 15.06.1995 and 21.06.1995 respectively, leaving behind the first petitioner and her cousin, the second petitioner as their legal representatives. The subject property consists of two plots, therefore, the first petitioner and the second petitioner decided to partition the said property among themselves, the first petitioner taking ownership over plot No.24 and the second petitioner taking plot No.25. The partition deed was presented before the respondent on 20.11.2024, and the receipt of acknowledgement was issued on 02.12.2024. The time for registration was fixed between 1400 hrs. to 1500 hrs. on 03.12.2024, and the same was conveyed to the petitioners. Accordingly, on 03.12.2024, when the petitioners presented the partition deed in person, the respondent refused to accept the same and the petitioners were orally informed that the parent document was not enclosed along with the said partition deed. However, the petitioners had requested for a written endorsement for such refusal, but the same was refused by the respondent. Hence, the petitioners are before this Court.



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3. Heard the learned counsels on either side.

4. Section 71 of the Registration Act contemplates that when a document is presented for registration, and in case the Sub Registrar decides not to register the document and returns the same, then he/she shall record the reasons for not registering the document, otherwise the document should be registered.

5. The narration of facts in the instant case shows that the respondent has neither registered the document nor has he issued the refusal check slip. Section 71 of the Registration Act contemplates that it is incumbent upon the respondent to record the reasons in writing for any refusal/rejection order being passed by him when the document was presented for registration.

6. In view of the above, the writ petition is allowed and a



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mandamus is issued to the respondent either to register the document or in case he decides to refuse the same, then he shall give reasons for the refusal. The petitioner is required to produce the partition deed forthwith for registration and the respondent is directed complete the aforesaid exercise within a period of two weeks from the date of receipt of a copy of this order. No costs.

27.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ds

To:

The Sub Registrar
The Sub Registrar Office
Tiruporur
Chengalpattu District.



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P.T.ASHA, J.,

ds

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