



W.P.No.3414 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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P.Selvaraj

.. Petitioner

-VS-

The Sub Registrar,
Kodumudi Register Office,
Erode District.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Kodumudi/6/2025 dated 22.01.2025 by the respondent and to quash the same as illegal, incompetent and ultravires and consequently direct the respondent to register the Rectification Deed dated 09.01.2025.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.B.Vijay
Addl. Govt. Pleader

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ORDER

This writ petition has been filed challenging the refusal check slip issued by the respondent dated 22.01.2025 and for a consequential direction to the respondent to register the Rectification Deed dated 09.01.2025 that was presented for registration to rectify the survey number that was mentioned in the original sale deed dated 20.06.1997 registered as Document No.535 of 1997.

2. Heard Mr.M.Guruprasad, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for the respondent.

3. On a careful reading of the refusal check slip issued by the respondent, it can be seen that originally the property belonged to one Duraisamy and Subbaiyan. However, since there was no indication of any partition among the brothers, the respondent has questioned the Rectification Deed being executed only by the legal heirs of Duraisamy. That apart, it is also mentioned that in the absence of any partition, there



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cannot be any specific description of property made in the Rectification Deed.

4. When the writ petition came up for hearing on 07.02.2025, this Court directed the learned counsel for the petitioner to get a better affidavit from the petitioner explaining the subsequent developments that took place in this case.

5. Accordingly, the matter was listed for hearing today and an additional affidavit has been filed by the petitioner. The relevant portions in the additional affidavit are extracted hereunder:

6. Thereafter my vendor Duraisamy and his brother had made oral partition in respect of the properties allotted to them, this can be fortified based on the settlement deed executed by Mr.Subbaiyan in favour of his wife Chinnammal on 20.8.2002 vide Document No.893 of 2002. In the said settlement deed Mr.Subbaiyan had executed document by referring four boundaries in S.F.No.212 of punjai Kilambadi Village of Erode taluk. Even in my sale deed dated 20.06.1997, my vendor has stated about the oral partition."



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7. The specific case of the petitioner is that he purchased the subject property from Duraisamy through a registered sale deed dated 20.06.1997. This document was registered as Document No.535 of 1997. According to the petitioner, there was a mistake in the survey number that was mentioned in the document and instead of mentioning the survey number as 212, it was mentioned as survey number 207. This mistake was sought to be corrected through the Rectification Deed that was executed by the legal heirs of Duraisamy, since Duraisamy passed away.

8. It is quite clear from the additional affidavit that there was an oral partition between Duraisamy and his brother Subbaiyan and based on that partition, the said Subbaiyan had executed a settlement deed in favour of his wife in the year 2002 and in that document, he had specifically portioned the four boundaries that was allotted to him in the oral partition. That apart, it is also seen from the sale deed that was executed in favour of the petitioner that Subbaiyan was one of the witness to the document and there is also a mentioning about the oral partition that took place between Duraisamy and Subbaiyan.



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WEB COPY 9. In the light of the above discussion, there shall be a direction to the petitioner to add one paragraph in the Rectification Deed about these subsequent developments and re-present the Rectification Deed for registration before the respondent. The respondent, on receipt of the same, shall register the document, if it is otherwise in order.

In the result, this writ petition is allowed with the above directions.

No costs.

12.02.2025

Index : Yes/No
Website : Yes/No
Speaking/Non-speaking Order

sra

To

The Sub Registrar,
Kodumudi Register Office,
Erode District.



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N.Anand Venkatesh, J.

(sra)

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