



WEB COPY



W.P.No.5546 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.5546 of 2025

Mrs.Saroja

.... Petitioner

-Vs-

The Sub-Registrar
Virugamakkam Sub Registrar Office
47/5, Arcot Rd, Udhayam Colony
Lambert Nagar, Virugambakkam
Chennai 600 083.

..Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to register the partition deed filed in T.P.No.189178359/dated 26.07.2024.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 to R4

Mr.T.Saikrishnan for R6



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondent to register the partition deed which is kept as a pending document in T.P.No.189178359 dated 26.07.2024.

2.Heard Mr.S.Ravichandran, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for the respondent.

3.The learned Special Government Pleader on instructions submitted that the property was jointly purchased by one Appavu Naicker and his brothers through a partition deed which was registered as Document No.1498 of 1942. That apart, Appavu Naciker had two wives and had two children from both the wives but however the legal heirship certificate that were produced shows the legal heir of his first wife alone. That apart, the original title deed of the year 1942 was also not produced at the time of registration. There is not even a mention about the so called compromise between the parties in OS.No.344 of 2023. Hence, the compromise presented for registration was refused to be registered by the respondents.

4.In the considered view of this Court, a partition deed has been presented for registration before the respondent. On the materials placed before this Court, it is seen that there was a dispute between the parties which ended in a compromise before the Lok Adalat held at District Legal Services Authority in OS.No.344 of 2023.



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Award was also passed based on the compromise. Under such circumstances, the necessary particulars shall be incorporated in the partition deed itself as a recital and the document shall be registered, if it otherwise in order. While proceeding to present the partition deed for registration, the award that was passed before the Lok Adalat shall also be presented for registration by paying the necessary stamp duty and it shall be registered as a decree. Such registration of the Lok Adalat award will also enable the registration of the present partition deed also.

5.In the result, this writ petition is disposed of in the above terms. No costs.

25.02.2025

Index : Yes/No
NCS : Yes/No
KP

To

The Sub-Registrar
Virugamakkam Sub Registrar Office
47/5, Arcot Rd, Udhayam Colony
Lambert Nagar, Virugambakkam
Chennai 600 083.

N.ANAND VENKATESH, J.
KP



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