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Writ Petition No.5686 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.5686 of 2025

Ponnusamy
S/o.Sangapillai

...Petitioner

Vs.

The Sub Registrar,
Office of the Sub-Registrar,
Erumapatti,
Namakkal District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned refusal check slip issued by the respondent in his proceedings in Refusal No.RFL/Erumaipatti/309/2024 dated 26.12.2024 and quash the same and consequently, direct the respondent to register the partition deed dated 23.10.2024 presented by the petitioner with the certified copy of the previous title documents.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.P.Harish
Government Advocate



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ORDER

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This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 26.12.2024 and for a consequential direction to the respondent to register the partition deed dated 23.10.2024.

2. Heard Mr.W.Camyles Gandhi, learned counsel for petitioner and Mr.P.Harish, learned Government Advocate appearing for respondent.

3. The case of the petitioner is that the subject property was originally owned by the grandfather. Thereafter, the property was inherited by the legal heirs. All the sharers wanted to enter into a partition deed and accordingly, a partition deed dated 23.10.2024 was executed and presented for registration before the respondent. Since the original title document was not produced, the refusal check slip was issued by the respondent. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. In the considered view of this Court, this Court had repeatedly held that the registering authority should not insist for the original title document and make it as a condition precedent for registering the documents.

5. Learned counsel for the petitioner submitted that the original document is missing and that the certified copy of the same is available. A recital to that effect shall be incorporated in the partition deed and it shall be re-presented for registration and in such an event, the respondent shall entertain the document and register the same, if it is otherwise in order.

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

No costs.

21.02.2025

Neutral citation: Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
gm

To
The Sub Registrar,
Office of the Sub-Registrar,
Erumapatti, Namakkal District.



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N. ANAND VENKATESH, J

gm

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