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W.P.No.117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.117 of 2025

P.Venkatachalam

... Petitioner

Vs

1. The District Registrar, (Salem West),
No. 313, 3rd Floor,
District Registration Office Campus,
Salem Collectorate Building,
Kottai Main Road, Salem – 636 001.

2. The Sub Registrar,
Magudanchavadi Sub-Registrar Office,
Sankari Taluk, Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip of the second respondent in refusal No. RFL/Magudanchavadi/358/2024 dated 14.11.2024 and quash the same as illegal & arbitrary and consequently direct the second respondent S.R.O, Magudanchavadi, Sankari Taluk, Salem District to register the Partition Deed dated 12.11.2024 presented for Registration in Pre-Registration Token Receipt No.TP/200440780/2024 dated 14.11.2024 within a stipulated time as fixed by this Court.



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For Petitioner : Mr.N.Vijaya Basker
For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

The prayer of the petitioner is that the impugned refusal check slip issued by the second respondent be quashed as illegal and arbitrary and that the second respondent be directed to register the Partition Deed dated 12.11.2024 presented with Pre-Registration Token Receipt No.TP/200440780/2024 dated 14.11.2024.

2. The impugned check slip has been issued on the ground that there is no proof of the WILL. It has already been held that this cannot be a matter within the realm of the registering authority. If the petitioner claims title through a WILL and presents the document, there cannot be an occasion for the Sub Registrar to go into the validity or invalidity of the WILL and to refuse the registration of the document.



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3. Accordingly, the writ petition deserves to be allowed. The impugned check slip dated 14.11.2024 shall stand quashed. The second respondent is directed to register the Partition Deed dated 12.11.2024 presented with Token Receipt No.TP/200440780/2024 dated 14.11.2024 in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt/production of the website-uploaded copy of this order, without waiting for the certified copy of the order.

4. In view thereof, this writ petition is allowed. No costs.

08.01.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

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Kottai Main Road, Salem – 636 001.
2. The Sub Registrar,
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